Inquiries on the Juvenile Delinquency of the most eminent Lawyers 1790 [by S. Wagstaffe]

Considerations on the Proclamation of the Governors of the Austrian Netherlands against France, 1792.

Observations sur the valeur de la Bastinage. 1792

A119

[Rose, Lemen Thomas]

# STRICTURES

ON THE

LIVES AND CHARACTERS

OF THE MOST

# EMINENT LAWYERS

OF THE PRESENT DAY:

INCLUDING,

AMONG OTHER CELEBRATED NAMES,

THOSE OF THE

## Lord Chancellor,

AND THE

# TWELVE JUDGES.

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*I, bone, quo Virtus tua te vocat, i pede fausto.*
HOR.

*---------- Sine me, liber, ibis in urbem;*
*Hei mihi! quod Domino non licet ire tuo.*
OVID.

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# PREFACE.

THE Importance of *Hiſtory*, as an object of ſtudious Attention, has been ſo frequently and forcibly illuſtrated by able Pens, that adducing other Arguments, or placing the ſame in a different point of view, would be ſuperfluous and unneceſſary; when employed to elucidate Public Concerns, and record the Affairs of Nations, it may be eminently uſeful to the Stateſman and Philoſopher; but certainly does not

come ſo *immediately home* to the concerns and feelings of Mankind, as that *particular Branch* of it which develops the ſources of individual Action, and traces the footſteps of eminent Characters through all the varied gradations from Obſcurity to Fame.

Almoſt infinite are the Advantages of BIOGRAPHY; but HERE, TOO, we have been anticipated by "JOHNSON," who Enumerates them with equal force, perſpicuity and truth: It arouſes to Emulation, by ſhewing the Rewards attendant upon application and Genius, and holding up

up to view the moſt ſplendid and attractive Examples, and at the ſame time furniſhes the *means* of Succeſs, by putting us in poſſeſſion of the Experience of former Candidates, thereby ſmoothing the path to the favoured Goal. In other language, BIOGRAPHY unfolds the motives and ſources of Human Conduct, and diſplays the minute and hidden Springs that ſet the Machine in Action, and trace every Movement at all calculated to produce an Effect.

MODERN

MODERN BIOGRAPHY muſt, of neceſſity, be *peculiarly* intereſting; it is natural to feel more delight in peruſing the Lives of thoſe who are eminent in *our own Days*, and who are Objects of Diſtinction in the Circle in which *we ourſelves move*, than we can poſſibly receive from the recorded Exploits of thoſe of remoter Ages, who have neither by Age, Country, or Connection, any Claim upon our Affections; and of all the variety of Characters that engage the attention of the *Hiſtorian*, not any are more intereſting

or

or uſeful than thoſe of STATESMEN, and LAWYERS.

*Theſe* are only very *imperfect Sketches* of great *Originals*, for which the Writer is ſenſible of ſtanding much in need of an Apology; but which, he truſts, the Reader will readily afford him, when he conſiders the *Novelty* and *Difficulty* of the Taſk he has undertaken. Every Man is anxious to know ſomething of thoſe great Characters who preſide, and are eminently diſtinguiſhed by their Eloquence and Wiſdom in our Courts; but the impediments

in

in the way of collecting this kind of information, with any degree of authenticity, are great, and in many instances, insuperable; and, there is great delicacy required in accompanying *ascertained facts*, with the observations they offer in reasoning upon them.

The Author of these sheets has collected what information he gives the Public with great care and diligence; and, he hopes, drawn his inferences with the Pencil of Truth and Candour: He has freely availed himself of all COTEMPORARY

*Periodical*

*Periodical* Publications that could throw any light upon his Subject, but where he has borrowed, has generally, he believes, acknowledged the obligation.

London, June 22,
1790.

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*The*

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THE RIGHT HONOURABLE

# *EDWARD LORD THURLOW,*

LORD HIGH CHANCELLOR, *&c.*

TETRUM, ANTE OMNIA VULTUM!—
MONSTRUM, HORRENDUM, INFORME, INGENS!—

LORD THURLOW ſtands avowedly high in public eſtimation and in profeſſional rank; but as theſe ſketches profeſs impartiality and independence for their leading features, we beg leave to be conſidered as giving our own opinion, rather than as echoing the public voice.*

EDWARD

* Lord THURLOW's political *character* is little known, though his political *conduct* (ſays one of his Biographers) is notorious. There is not a man in England, of any party, ſize of underſtanding, or political complexion, whoſe buſineſs, views, or amuſements, have led him to ſpeculations of this kind, that is not firmly perſuaded, and ſatisfactorily informed, of the ſteadineſs, uniformity, and inflexibility of

EDWARD THURLOW is ſaid to have derived his deſcent from the famous Secretary of that name to OLIVER CROMWELL. His father was an obſcure Clergyman, poſſeſſed of an inconſiderable living at *Aſhfield*, in *Suffolk*. It is a ſaying of him upon record, that he could give his children nothing more than education, and that NED would *fight* his way in the world. This fortunate ſon, however, diſcovered no very early proofs of diſtinguiſhed genius, but poſſeſſed, even in *infancy*, the aſſumed manners of the man, and was *haughty*, *preſuming*, *churliſh*, and *overbearing*. At the uſual period, he was admitted of *Peterhouſe*,

of the over-ruling principle that directs his conduct. Though Earth, Hell, and Heaven were to club their influence, and unite in threatening him with worldly diſgrace, future puniſhment, and eternal reprobation, they muſt carry their threats into actual execution before they could intimidate him from purſuing the great principle of his nature.

*Si fractus illabatur orbis*
*Impavidum ferient ruinæ.*

Review of Political Characters, 8vo.—1777.

*houſe, Cambridge*, where the hopes entertained of his future progreſs in life were far from being ſanguine: his general deportment was rude and boiſterous, little calculated (ſays one of his Biographers) to conciliate the reſpect of the world, and apparently without any wiſh to obtain it. The early part of his life was marked with many irregularities, exceeding even the bounds of the moſt diſſipated of the day: his difficulties were of courſe, great, and he is remembered to have extricated himſelf with great addreſs and wonderful confidence. His natural powers were always viewed with reſpect, to which indeed they were intitled.* Devoted to a life of pleaſure and

* The following account of his Lordſhip was tranſmitted by a very learned and reſpectable Member of the Church, who is intimately informed of his Lordſhip's character, family, and early incidents of life, and one of his moſt zealous advocates and admirers:

"His ſuperiority of abilities (ſays he) was diſcovered "very early, both at ſchool and college; they extorted "ſubmiſſion from his equals, and impreſſed his ſeniors "with

and diſſipation, report has imputed to him not only a contempt of literature, but almoſt

" with awe.—The following anecdote is told of him: " Having been abſent from chapel, or committed ſome " other offence which came under the cognizance of the " Dean of the college, the Dean, who, though a man of " wit, was not remarkable for his learning, ſet THUR- " LOW, as a puniſhment, a paper in the Spectator to " tranſlate into Greek. This he performed extremely " well, and in very little time; but, inſtead of carrying " it up to the Dean, as he ought to have done, he " carried it to the Tutor, who was a good ſcholar, and " a very reſpectable character. At this the Dean was ex- " ceedingly wroth, and complained to the Fellows of the " inſult, and inſiſted that Mr. THURLOW ſhould be con- " vened before the Maſters and Fellows, and receive a " ſevere reprimand. They were convened accordingly, " and the Maſter of the college accuſed him of the inſult " above ſtated; to which THURLOW coolly replied, That " what he had done proceeded not from diſreſpect to the " Dean, but merely from motives of pity, an unwillingneſs " to puzzle him. The irritated Dean ordered him imme- " diately out of the room, and then inſiſted that the Maſters " and Fellows ought immediately to expel or ruſticate him. " This requeſt was nearly complied with, when two of the " Fellows, wiſer than the reſt, obſerved, that expelling or " ruſticating a young man for ſuch an offence, would per- " haps do much injury to the college, and expoſe it to " ridicule; and, that as he would ſoon quit the college of his

" own

moſt a total neglect of it, at leaſt a degree of indolence in the purſuit, inconſiſtent with the attainments of even neceſſary knowledge; but common fame has in this inſtance added nothing to her reputation for veracity: his Lordſhip is an admirable claſſical ſcholar, and attained his knowledge by the only means knowledge is acceſſible—ſtudy and application. He differed from others only in the *mode* of acquiring it. He who was every where ſeen the picture of indolence, lolling on the noon-

"own accord to attend the Temple, it would be better to "let the matter reſt, than irritate him by ſuch ſevere "meaſures; which advice was at length adopted.—One "of the gentlemen who recommended lenient meaſures, "was the preſent maſter, for whom Lord THURLOW has "procured the Chancellorſhip of the dioceſs of Lincoln."

As a proof of the *conſciouſneſs* which the CHANCELLOR felt of his abilities, long before he was called to the bar, he often declared to his friends, that he would one day be CHANCELLOR of ENGLAND, and that the title he would take for his Peerage would be Lord THURLOW of *Thurlow*,

THURLOW

noon-day bench, and considered, almost as the *fixture* of a coffee-house in the day, regularly retired to the most intense application at night.

"——— His learned toil
"O'er Books consum'd the midnight oil."

From *Cambridge* he removed to the *Inner Temple*, where the same apparent indolence of temper and disposition marked his conduct.

He attended the Bar several years unnoticed and unknown.* The first cause in which

* THURLOW is the name of a parish in Suffolk, adjoining Ashfield, which he at that time determined to purchase. It happened, however, that he had not completed the purchase at the time the Seal was put to his Peerage.

* When Practice *waited not* at Mr. THURLOW's door, but was to be *followed* rather as a patron than treated as a client.—When, as a provision for instant need, he was compelled to seek the fortuitous fee that a Country Circuit should charitably offer, he was often so improvident as to be caught without the means to place his wants in the direct road of probable relief;—for he has, at such times, been bereft even of a sufficiency to defray the necessary expences of the first stage! In these dilemmas (if we may credit report), he has had recourse to expediencies, that a fruitful imagination is seldom at a loss for—expediencies, however, that oftener do honour to the *head* than to the *character* of

which he is ſaid to have diſtinguiſhed himſelf, was that between LUKE ROBINSON and Lord WINCHELSEA, which at once gave him reputation and buſineſs. He was ſoon after pitched upon as managing counſel in the great DOUGLAS *Cauſe*, in which he diſcovered ability and addreſs. It was always his aim in practice, to give his oratorical productions more the air of genius than induſtry, and they often carried the appearance of *ſpontaneous* effuſion, although the effort of much pre-meditation and previous labour. Vanity is the ruling paſſion of humankind, and we all wiſh to go

of the maſter. At *that* time, when every common ſcheme had failed him, he is ſaid to have liberated himſelf from an awkward embarraſſment in a very bold manner. He ſent for a ſtable-keeper, and requeſted a horſe of him on trial, and after a certain allowed proof, if he liked the *beaſt*; he agreed to give for him a ſtipulated ſum. We believe that our readers are already acquainted with the ſequel of this bargain. The horſe, to be ſure, was diſcovered to be lame, blind, broken-winded, &c. and the man conſequently abuſed for *ſetting a Gentleman* on ſo deſpicable and dangerous an animal.

go forward rather by the impulſe of the wind than the labour of the oar, although attainments by the means of induſtry are certainly as honourable, and generally more ſucceſsful.

The *morality* of a character,* theſe imperfect ſketches profeſs no purpoſe to delineate.—

* We are proud of the relation of every *good* action, and the following certainly *ought* not to be omitted :

The late celebrated *Doctor Johnſon* applied by means of the Chancellor to a great Perſonage for an addition of 200l. to his penſion of 300l. for one year only. The Doctor was perſuaded for the eſtabliſhing, or rather recovery of his health, to viſit the Continent, and this additional ſum would enable him to travel with eaſe and convenience. The petition was refuſed; but the Chancellor, when he acquainted the Doctor with the event of his application, told him that he was at full liberty to draw on his banker for 500l. The following is a Copy of the Doctor's Letter to the Chancellor, on his Lordſhip's liberal offer to him :

*To the Right Honourable Lord* THURLOW.

AFTER a long and not inattentive obſervation of mankind, the generoſity of your Lordſhip's offer raiſes in me not leſs wonder than gratitude. Bounty ſo liberally beſ-

towed

lineate.—The *immorality* chiefly, we believe, imputed to the CHANCELLOR, is too frequent a sacrifice to the Cyprian Goddess, and these are crimes, which in mercy to mankind, we hope are venial. It is to be

towed I should gladly receive, if my condition made it necessary—for to such a mind who would not be proud to own his obligation? But it has pleased God to restore me to so great a measure of health, that if I should now appropriate so much of a fortune destined to do good, I could not escape, from myself, the charge of advancing a false claim. My journey to the Continent, though I once thought it necessary, was never much encouraged by my physicians, and I was very desirous that your Lordship should be told of it by Sir JOSHUA REYNOLDS, as an event very uncertain; for if I grew much better, I should not be willing, if much worse, I should not be able, to migrate. Your Lordship was first solicited without my knowledge; but when I was told that you was pleased to honour me with your patronage, I did not expect to hear of a refusal;—yet as I have had no long time to brood hope, and have not rested on imaginary opulence, this cold reception has been scarce a disappointment; and from your Lordship's kindness, I have received a benefit which only men like you are able to bestow. I shall now live *mihi carior*, with a higher opinion of my own merit.

I am, my Lord, your Lordship's most obliged,

Most grateful, and most humble Servant,

Sept. 1784. SAMUEL JOHNSON.

be remembered too, that tales of ſcandal are ever propagated with malignity proportionate to the elevation of the character traduced.

His arrival at profeſſional honours was firſt announced in 1762, when he was appointed *King's Counſel*, thus emerging *at once* from legal obſcurity, his abilities being ſo little known as a Barriſter, that the appointment excited univerſal aſtoniſhment. Impelled by the moſt reſiſtleſs ardour, he ruſhed intrepidly, and almoſt immediately, to the ſummit of legal fame; for in the year 1770, we find him advanced under the patronage of the Houſe of BEDFORD to the poſt of *Solicitor General*, on the reſignation of Mr. DUNNING; and ſucceeding Sir WILLIAM DE GREY as *Attorney General* in 1771.

He was twice elected into Parliament for the Borough of *Stafford*.

This

This is the proper place to review his Lordſhip's pretenſions to the rank he holds as a firſt-rate *Orator* and *Lawyer*.

He was a powerful and *uniform* ſupporter of the meaſures of Government.* It cannot be denied but he poſſeſſes ſtrong natural talents, and quickneſs of apprehenſion :—His eloquence partakes of his character; it is bold, explicit, deciſive, and inflexible:

* Without the graces of elocution, a choſen arrangement of words, harmony of voice, or diverſity of cadence, there is an expreſſion of countenance denoting a conviction of truth, a manner of preſſing his arguments, ſeemingly ariſing from the ſame ſource, accompanied by a certain energy of expreſſion which, united, render him moſt formidable and powerful in the line of parliamentary perſuaſion. He often ſubſtitutes ſophiſtry for argument, and aſſertion for fact; and in the blind heat of debate, where the attack and defence is ſudden and unforeſeen; where majorities are to be ſoothed, hurried, miſled, or furniſhed with plauſible apologies for voting againſt conviction: where it is the buſineſs of an advocate to conceal, exaggerate, or explain away; where the Speaker, from his particular ſituation, is far removed from reſponſibility; where few are capable of judging, fewer of detecting, and where the detection would be the work of more days than the mode of parliamentary diſcuſſion affords hours; THURLOW, to borrow an expreſſion of his own, is an orator of *the firſt impreſſion*.

flexible:—he delivers his arguments as *Jove* directs his bolts, in tones of thunder: confident and daring, he rushes like *Achilles* into the field, and deals destruction around his adversaries more by the strength of his arm, the deep tones of his voice, and the lightning of his eye, than by any peculiar felicities of genius, or elevated powers of oratory.—He at times combats his opponents with every species of argument, from the naked, unqualified, unsupported flat assertion, down to the sarcastic joke. "His style, however, is often petulant and warm, neither "remarkable for its neatness, nor offensive "for its vulgarity.—His attempts at ridi-"cule and humour are mean and disagree-"able; but his words are generally well "chosen, and his voice clear and strong.— "His replies are constantly acrimonious; "he exercises all the figures of his profes-"sion: his constructions of the law are "artful and malignant, and he becomes "gradually vehement and furious."*

His

* See *Preface to Bellendenus.*

His manner has an *assumed* dignity, and an *affected* impression of awe, which however decorous upon *some* occasions, is certainly improper upon *all*. Perhaps the natural *sable* of his face—that *dull*, *dismal*, *dark*, *disastrous* countenance, throws an involuntary horror round him.—Menace and terror sit enthroned upon his brow—*his whole aspect is repellant, and conveys an idea of outrage.*—He affects to disdain the aid of the Graces, and to command alone by the energy of expression, and *force*, both in manner and expression, is undoubtedly his Lordship's *forte*, but every qualification should be judged by comparison.—As a Speaker in the House of Commons, many were far above him. That *force*, on which so much has been said by his Panegyrists, compared with the fire and energy of Fox, is like *Satan*'s contest with OMNIPOTENCE, and like the allusion, leaves comparison behind it. Where, in the best of his speeches, is the information, the design, the genius, the splendid conflagration of

of BURKE? Where the wit, the classic taste and correctness of SHERIDAN? The records of Parliament will place him, as an orator, far below any of these.

As a *Professional* Man, he was not heard of, by the side of YORKE, DE GREY, and GRANTLEY; and was always, with great propriety considered inferior, both *in and out of Parliament*, to his official competitors ASHBURTON and LOUGHBOROUGH.

His *unrivalled* excellence, is an iron countenance, an inflexible hardihood of feature, an invulnerable, impenetrable aspect, that nothing can abash, no crimson tinge; that stares humanity from the justice-seat, and defies the tear of pity. Charity, it is said, covers a multitude of sins, and *inhumanity* implies a depravity of heart, that gives the owner credit for the possession of *untold* crimes.

In 1778, he was created a Peer by the title of Lord THURLOW, Baron of *Ashfield* in

in *Suffolk*, and advanced to the high dignity of *Lord Chancellor*, the place beſt calculated for the diſplay of his abilities.

As a Speaker of the Houſe of Lords, he has that intrepidity and firmneſs that *commands* order and regularity in their proceedings, and confines debate to the point in agitation. His Lordſhip very properly *feels* the dignity of his ſituation, and will not ſuffer the pride of Peerage to invade it's rights. His ſpirited and manly reply to the Duke of GRAFTON, does him honour.* However the ancient and hereditary Nobles may feel on the aſcent of Lawyers to the Peerage, it muſt be remembered, that *they* only riſe by deſert. The man who earns his honours, has the beſt right to wear them; and they certainly ſit upon him with a grace ſeldom obſerved in the paſſive inheritor.

"Vaſt in his perſon, bold in his ſenti-
"ments, *pompous* in his words, and pow-
"erful,

* See Parliamentary Debates.

" erful, not ſo much in the qualities of
" wiſdom, as in the conſequence given to
" trifles, he has ſecured the prejudices of
" the Upper Houſe. He has obtained all
" that could poſſibly be expected by a
" man of mean extraction, with the aid
" of oratorical abilities. The influence
" *Quintus Varrius*, a huge but beaſtly fellow,
" once obtained amongſt his fellow-ci-
" tizens, the CHANCELLOR, by ſimilar
" attainments, imagines he has acquired
" in the Britiſh Senate. Confident and
" ſhrewd, his *look* beſpeaks him of ſome
" conſequence—

" A grave ſeverity is in his face,
" And credit in his words."

He is not an example of mean inſinuation, but ſtands (ſays an elegant diurnal writer) amidſt the warring factions of the times, like the CHAN of the USBECS, too formidable to be viſited by contumely, tho' too ſavage to create eſteem.

There

There is great ſimilitude of character between Lord THURLOW and the late Lord NORTHINGTON;* the ſame bluntneſs, the ſame

* A more ſingular character than the late Lord Chancellor NORTHINGTON has not perhaps been unfolded to modern obſervation. He poſſeſſed conſiderable abilities, was an upright judge, and gave ſatisfaction in the high office he enjoyed: in private life he was the very reverſe of every thing which would ſeem to produce dignity in a public ſtation. In his youth he was a profeſſed debauchee, and the ſentiments and language of that character were retained by him to the lateſt moment of his exiſtence. On his return home from the adminiſtration of juſtice, he would not heſitate to ſwear at his ſervants, and be indecent with his company :—Indeed the ſtate-coach was not always conſidered ſacred to chaſte and decent ſpeech, and the uneaſineſs of that rumbling machine, when his Lordſhip's feet have been tender from the gout, has called forth very ſtrong exclamations in the preſence of the mace and ſeals. Some of his friends have been ſo free as to declare they have actually ſeen an oath on his lips when he preſided on the woolſack, though it was never known to eſcape further. One occaſion, however, was marked with language too expreſſive to paſs unnoticed.

The Speaker, ONSLOW, who attended with the moſt ſcrupulous regard, both in public and private, to the dignity

ſame diſdain of the Graces, and even of decency; the ſame intrepidity and *apparent* integrity. Art may indeed be concealed under this veil: it is of a fine, but *tranſparent* texture; and the *diſcerning eye* may diſcover through the aperture the deception it conceals.

The following lines of SHAKESPERE ſeem not inapplicable to his Lordſhip:

"This is ſome fellow, who having been praiſed "for bluntneſs, doth affect a ſaucy roughneſs, and "conſtrains the garb quite from its nature—*he* can't "flatter—*he*, an honeſt mind and plain—*he* muſt ſpeak "truth—an' they will take it—ſo—if not—*he's* "plain."

The

nity of his character, was complaining, on his arrival later than uſual at the Houſe of Commons, on ſome day of important buſineſs, That he had been ſtopped in Parliament-ſtreet, owing to the obſtinacy of a carman; and was told that the Lord Chancellor had experienced a conſiderable delay from the ſame cauſe. "Well, (ſaid the Speaker) "did

The remaining part of his character, as given in a very excellent periodical publication, is so accurate and just, or at least so exactly coincides with our ideas, that we shall conclude our *Sketch* of his Lordship with a transcript of it.

"The world has done sufficient justice to the character of Lord THURLOW, which being examined in the detail, may perhaps rather call for some abatement to the extravagant applause given it, than to any additional eulogium. As a *Politician*, he seems to stand the fairest chance of descending to posterity with reputation, though he probably possesses little more than the usual narrow information belonging to those of his profession. In his conduct as a Senator, he has distinguished himself by so decided,

"did not his Lordship shew him the Mace, and strike him "dumb with terror?"—"No, (it was replied) "he did "not; but he swore *by God, that if he had been in his pri-* "*vate coach, he would have got out and beat the damned* "*rascal to a jelly.*——"

decided, ſo confident a degree of ſuperiority, that he has received credit for abilities, the exiſtence of which may be queſtioned without the ſmalleſt indecency."

It is certain, that little advantage has ariſen to the public from any of his political exertions; and we are yet to learn wherein his talents, as a Legiſlator, are to be diſcovered. He has, however, a quickneſs of parts well ſuited to public debate, and a cool determined manner, well adapted to obtain an aſcendance over imbecility, to puſh boldly all advantages, and to ſecure a retreat with credit, when oppoſed by ſuperior powers. As a Lawyer, his knowledge is inferior to many; and had his riſe depended on his profeſſional advantages, *another* muſt have now preſided in the Court of Chancery.

It has been the misfortune of this country, that the legal and political characters have been lately ſo blended, that more attention

tention has been paid to the latter than the former, and often at the expence of it. This was not formerly the caſe; and we pronounce, without heſitation, that the public ſuffers by the unnatural union. Let thoſe who have been long anxiouſly looking for decrees in the Court of Chancery, be aſked their ſentiments of a Political Chancellor: They will paint their miſery in ſuch colours, as muſt convince every impartial perſon that the ſupremacy in the Houſe of Lords, and in the firſt Court of Equity, ſhould not be in the ſame perſon. —Many lawyers have ſuggeſted the prevalence of a ſpecies of *indeciſion* totally inconſiſtent with any very comprehenſive knowledge of juriſprudence, and totally different from the general mode of proceeding in all other ſituations. The practiſers complain of the petulance and illiberal treatment they frequently meet with, and the ſurlineſs and ill-nature which is often to be ſeen in public; and thoſe who remember the patience, the good humour, and po-

liteneſs of the Lords HARDWICKE and CAMDEN, are perpetually drawing comparisons by *no means favourable* to * THURLOW.

* The ingenious and learned Author of the Preface to *Bellendenus* having very happily pourtrayed ſeveral ſtriking features in his Lordſhip's character, has the following conclusion, which, from *an entire coincidence of ſentiment and opinion*, is here tranſcribed:

"IF he ſhould ever peruſe *my* ſentiments of his character, I would deſire him not *to ſhake his tremendous head at me*;—the ſevere and forbidding manner with which he ever addreſſes himſelf to others, will probably excite his indignation when directed againſt himſelf: I care not if he ſhall think me to have ſpoken of him with too much bitterneſs, it is the fair and reaſonable conſequence of the conduct that provoked it."

ANOTHER of his Lordſhip's Biographers has pourtrayed him as follows:

"IN times leſs favourable to genius and freedom, the haughty Barons, and ſtill more haughty Biſhops, adminiſtered juſtice to their trembling vaſſals. Nobility and prieſthood were the only criterions of merit, and high birth and the eccleſiaſtical *tonſure* ſeem to have aſſumed a preſcriptive right over the noble ſcience of juriſprudence.——In this more liberal age hereditary pretenſions are forced to give way to perſonal worth, while the fortuitous advanta-

ges

ges arising from fortune and descent, maintain but a feeble competition with the nobler endowments of the mind. This position is no where better illustrated than in the profession of the law, as several of its members, unsupported by any other claim than those of their own merit and abilities, have, during the present century, ennobled themselves and their posterity.

" Let it be recorded to their honour, that within this period, two of the greatest characters in this kingdom have risen from the desks of Attornies; while, if we believe common report, a third may be literally said to have jumped from the loom to the Woolsack.

" EDWARD THURLOW, the son of a manufacturer of the city of Norwich, like his great predecessors SOMERS and HARDWICKE, bursting from obscurity by the strength of his own genius, like them too, overcame the obstacles of birth and fortune, and suddenly rose to the first honours of his profession. The finger of the HOUSE of BEDFORD pointed the road to preferment; and at a time when his cotemporaries were struggling with mediocrity, and a stuff gown, the silken robes of a King's Counsel, and the patronage of that illustrious family, inspired him with no common ambition. The powers of his mind expanding with his hopes, the high offices of Solicitor and Attorney-General, which bound the views of some men, seemed to him but as legal apprenticeships, imposed by custom, before he could attain to that dignity, which was to give him precedence of every lay-subject in the kingdom, not of the Blood Royal.

" The people beheld with pleasure a man suddenly emerging from among themselves, and enjoying the highest offices

offices of the ſtate; his triumph ſeemed to be their own. It flattered their paſſion to ſee plebeian merit coping with ariſtocratical pride, and united, but acknowledged worth, conferring, by its participation, luſtre on degenerate nobility. When they ſaw him, too, ſupporting his newly acquired honours with a dignity which they imagined had only appertained to hereditary grandeur, and beheld him in his conteſt with the head of the Houſe of GRAFTON, ſtating his own merits in competition with ducal honours, and weighing the fair claims of genius and learning, in oppoſing the meretricious, though Royal deſcent, every good citizen partook of his honeſt pride, and participated in his victory.

"Seated on the Chancery Bench, the eyes of mankind were fixed upon him. The iron days of equity were thought to be paſſed; and it was fondly expected, that the epoch of his advancement would be the commencement of a golden age. The nation felt that they had long groaned under the dominion of their own Chancellors. The flowneſs of their proceedings had mouldered inſenſibly away, in the pleadings of two centuries, ſome of the faireſt fortunes in the kingdom; and the ſubtleties of the civil law had involved, in the voluminous mazes of a Chancery bill, rights and claims, which the municipal courts would have immediately recognized.

"At once haughty and indolent by nature; attached to a party, and diſtracted by politics; with a mind fitted to diſcountenance, abuſe, and appal oppreſſion, Lord THURLOW diſappointed their expectations; and, by his conduct, forcibly illuſtrated that great legal axiom, that the duties of the Woolſack and the Chancery are incompatible.

"A change

"A change of miniſtry taking place, the CHANCELLOR was ſuddenly diſmiſſed; and the man who had riſen with the approbation of mankind, retired amidſt the clamours of the nation.

"Reſtored to his high office by another change, as ſudden as his diſmiſſion had been precipitate, if his inactivity had been ſtill the ſame, yet his perſonal conduct ſeemed to be greatly altered. Exiled from power, he had been taught by retirement what other men have not learned by adverſity; and his preſent attention to buſineſs, and politeneſs to the gentlemen at the Bar, afforded a happy contraſt to his former behaviour.

"The character of the CHANCELLOR ſeems to be developed in his countenance, by an outline at once bold, haughty, and commanding. Like HALE, he is negligent of his perſon; like YORKE, he has ſwerved from his party; BUT LIKE HIMSELF ALONE, HE HAS EVER REMAINED TRUE TO HIS OWN PRINCIPLES.

"As an orator, his manner is dignified, his periods are ſhort, and his voice at once ſonorous and commanding. More nervous than CAMDEN, more eloquent than RICHMOND, more maſculine than SYDNEY, he is the ſole ſupport of the Miniſter in the Houſe of Peers. Like an inſulated rock, he oppoſes his ſullen and rugged front to the ſtorm of debate, and remains unſhaken by the whirlwind of oppoſition.

"Better acquainted with books than with men, as a politician, his knowledge of foreign affairs is narrow and confined; he is, however, well informed of the domeſtic and immediate concerns of the empire. Warmly attached

to

to the prerogative, he brands reform with the name of innovation; and is fond of urging the wholesome regulations of our ancient laws, in opposition to the improvements of modern projectors.

" His attachment to his Sovereign is personal, and at least equals his attachment to prerogative. Take his own words on a recent and important occasion:—*When I forget my King* (says he) *may God forget me!*" The sentiment was strongly expressive of the feelings of gratitude. It did honour to his heart, and certainly will not injure his preferment.

" As a judge, his researches are deep, and his decisions are confessedly impartial: none of them however, have procured him celebrity.

" As a *legislator*, he has as yet acquired no reputation; and notwithstanding a voluntary proffer of his services has made no alteration in the laws respecting the imprisonment of *insolvent debtors*, whom he has treated with a violence that favours of the rigour of justice rather than the mildness of humanity.

" His enemies, who hate him with rancour rather than enmity, dare not question his integrity, nor can they charge him with any action deserving of reproach. His friends, who love him from esteem rather than affection, avow the greatness of his deserts, yet find it difficult to fix his particular merits. In fine, his character is still negative and undetermined: with powers fitted for any thing, he has as yet done nothing, and although he seems the wonder of the present age, will, perhaps, scarce meet with the notice of posterity.

" His

"His great predeceſſors have erected the nobleſt monuments to their fame, by attention to the happineſs, the intereſts, and the welfare of their fellow-citizens. Lord Chancellor HARDWICKE planned the bill for aboliſhing the Heritable Juriſdictions in Scotland! Lord Keeper GUILDFORD had a principal hand in the ſtatute of Frauds and Perjuries, of which the Lord NOTTINGHAM obſerved, "That every line was worth a ſubſidy." Lord Chancellor SOMERS projected the act of union betwixt England and Scotland, and a bill to correct ſome proceedings, both in common law and equity, that were dilatory and chargeable.

"Theſe were ſervices that at once claimed and ſecured immortality.

"The life, however, of the preſent CHANCELLOR, if it is deſtitute of eulogium, is yet not without its moral, as his ſucceſs will naturally ſtimulate the exertions of induſtry, and invigorate the efforts of genius. But let this character teach thoſe who dare to conſider ſucceſsful ambition, not as the end, but as the road only to true greatneſs, that nothing but ACTIVE WORTH can form the good citizen, and the great lawyer."

THE RIGHT HONOURABLE

# *WILLIAM EARL MANSFIELD.*

*Gath'ring his flowing robe, he ſeem'd to ſtand,*
*In act to ſpeak, and graceful ſtretch'd his hand.*

POPE'S TEMPLE OF FAME.

THE Life of the EARL of MANSFIELD would exhibit a very curious and deſirable piece of Profeſſional * Biography; but

* A modern Biographer being deſirous of writing, among others, the Life of Lord MANSFIELD, entreated his Lordſhip to furniſh materials, in addition to thoſe he already had, as he wiſhed to perpetuate the memory of ſo great a Luminary of the Law. The anſwer given by his Lordſhip was as follows :—" My ſucceſs in life is not very remarkable; my father was a man of rank and faſhion; early in life I was introduced into the beſt company, and my circumſtances enabled me to ſupport the character of a man of fortune. To theſe advantages I chiefly owe my ſucceſs; and therefore my life cannot be very intereſting; but if you wiſh to employ your abilities in writing the life of a truly great and wonderful man in our profeſſion, take the

but marking only a *very faint outline* of this exalted Character (and we profess no more) with sufficient *comprehensive* propriety, would require a review of every striking political and legal incident in Parliament, and the Courts of Justice, during the present and preceding reigns, and would consequently very far transcend our limits. MANSFIELD is a constellation that has illumined *both;* equally the pride of Sovereignty in GEORGE the SECOND, and GEORGE the THIRD.

Genius is of no country, in other words, it is not exclusively confined to any, but found occasionally in all;

"From Indus to the Pole."

Lord MANSFIELD was born in *Scotland.** The goddess *Suada*, very early enthroned

the life of Lord HARDWICKE for your object; he was indeed a wonderful character—he became Chief Justice of England and Chancellor, from his own abilities and virtues—for he was the son of a peasant."

* He was educated at Westminster School; and went afterwards to Christ Church College, Oxford, in 1724, where

throned herſelf upon his lips. He gave the earlieſt indication of a fine genius, and of a diſpoſition to cultivate it by application. It is yet the traditionary tale of his country, that, almoſt in infancy, he was accuſtomed to declaim upon his native

where he continued many years, and took the degree of Doctor of Laws. In 1728, he made a celebrated Exerciſe in verſe, to which the firſt prize was adjudged.—A very elegant picture of his Lordſhip, as large as life, is over the door in the hall, which is triumphantly ſhewn to all ſtrangers. After a ſhort time ſpent in travel, he ſtudied the Law in Lincoln's-Inn, and was called to the bar in 1731. He came into full buſineſs immediately;—there was no interval between his firſt appearance and his being univerſally reſorted to upon all matters of conſequence. The ground which fortune had given him, he maintained with great applauſe: he grew every day in reputation, and made a ſhining figure at the bar on every public, ſolemn, and intereſting occaſion. In November, 1742, he was appointed Solicitor General. He was member of the Houſe of Commons from that time till he was called to the Houſe of Peers, and took a diſtinguiſhed part in all debates of conſequence.—In April, 1754, he was made Attorney General.—It is ſtill remembered, that during the time he held his office, he ſucceeded in many cauſes, civil and criminal, for the King, and never loſt one; becauſe he made it a rule that the King ſhould always be clearly in the right; and the moment the caſe appeared doubtful, he threw it up.

In

tive mountains, and repeat to the envied winds the moſt celebrated ſpeeches of DEMOSTHENES and CICERO, not only in their original text, but in his own inimitable tranſlations of them.

His

In November, 1756, he was appointed Chief Juſtice, and immediately after being ſworn into office, the Great Seal was put to a patent, creating him BARON of MANSFIELD, in the county of Nottingham, with limitation to the heirs male of his body. From that time the buſineſs of the Court of King's Bench was immenſe. His Lordſhip was immediately ſworn of the Privy Council, who for many years almoſt ſingly relied upon him in the determination of all cauſes relative to prizes and the plantations. The preciſion, the impartiality, the conſummate knowledge, the clear diſcernment and diſpatch with which theſe cauſes have been determined, are the admiration of the world; and though the number has been almoſt incredible, the value prodigious, and frequently the moſt difficult, arduous, and important, the captors, and all parties concerned, have acquieſced in the juſtice, wiſdom, and propriety of his determinations.

His Lordſhip was called to the Cabinet Council of the late King, and of his preſent Majeſty, by whom he was created an Earl, in October, 1776. In April, 1757, he was appointed Chancellor of the Exchequer; and was afterwards one of the Commiſſioners of the Great Seal, and preſided in Chancery, the admiration of the Court and of the World.

His accomplishments as a gentleman, were not inferior to his acquisitions as a scholar. He is painted by the great British Bard, as possessing both in their fartheſt extent, as

> " Equal the injur'd to defend,
> " To charm the Miſtreſs, or to fix the Friend."

His fame will be co-eternal with the Engliſh language. POPE has recorded it, and lamented his ſeceſſion from the ſervice of the Belles Lettres and the Muſes, to the profeſſion of the law, in this memorable line—

> " How ſweet an OVID was in MURRAY loſt!"

And had he not been in ſome degree formalized by the ſhackles of a law education, and extended his ſtudies to thoſe, emphatically called "*Literæ Humaniores*," there is no doubt of his having ſtood firſt in that walk of literature. He was the delight and ornament of the drawing-room, and his company equally ſought by the gay and the ſerious. A certain ſuavity of manners the moſt poliſhed and engaging, accompanied

by peculiar charms of converſation, operated like the power of the loadſtone, to univerſal attraction.

Fame inſtantaneouſly announced his "Call to the bar," and diſtinguiſhed him as unrivalled in oratory, at an æra too, when the followers of the profeſſion were *Goliahs* of ability and power. It was very early after his appearance in his profeſſional character, that he was employed on an important occaſion, at the bar of the Houſe of Commons; where he ſo eminently diſtinguiſhed himſelf, that Sir ROBERT WALPOLE declared the merit of his ſpeech to be ſo great, that it almoſt appeared to him to be an oration of CICERO. Mr. PULTENEY in the ſame inſtant roſe to complete the eulogium, by obſerving, that he not only could imagine the ſpeech which had been juſt delivered was the compoſition of CICERO, but that the Roman orator had himſelf pronounced it. Thus theſe two great men, who hated and oppoſed each other with ſo much rancour, *in this ſingle*

*inſtance*

*instance* united, to compose the most brilliant panegyric, that was, perhaps, ever bestowed on rising merit. The splendour of glory which he obtained by his campaigns at the bar, had no parallel.

In his *political oratory*,* (as a SPEAKER in the House of Commons) if he was not without a rival, no one had the honour of *surpassing* him; and let it be remembered, that his competitor was PITT.

The Rhetorician that addressed himself to TULLY in these memorable words, "*De-*

* In 1766, he opposed the measures of government under Lord ROCKINGHAM, particularly in the famous question on the Repeal of the Stamp Act. The celebrated Protest which followed the Repeal, was said to have been drawn up under his Lordship's immediate inspection, and was looked upon at the time as one of the most able performances ever entered on the Records of Parliament. In 1767 he supported the Port Duties, proposed in the House by the Chancellor of the Exchequer. In 1770, he supported the partial repeal of those duties, and continuing the duty on tea.

"*Demosthenes tibi præripuit, ne primus esset*
"*orator, Tu illi, ne solus,*" anticipated their application to MANSFIELD and PITT.—If the one possessed DEMOSTHENEAN fire and energy, the other was at least a CICERO. Their oratory differed in species, but was equal in merit. There was at least no superiority on the side of PITT. —MANSFIELD's eloquence was not indeed of that daring, bold, declamatory kind, so irresistibly powerful in the momentary bustle of popular assemblies; but it was possessive of that pure and attic spirit, and seductive power of persuasion, that delights, instructs, and *eventually* triumphs. It has been very beautifully and justly compared to a river, that meanders through verdant meads and flowery gardens, reflecting in it's chrystal bosom the varied objects that adorn it's banks, and refreshing the country through which it flows.

To illustrate his oratory by example, would require voluminous transcripts from the

the records of Parliament,* and it is unnecessary, as we can appeal to *living* recollection.

When he speaks,
The air, a charter'd libertine, is still,
And the mute wonder lurketh in men's ears,
And steals his sweet and honied sentences.—
Hear him but reason in divinity,
And all-admiring with an inward wish,
You would suppose him the most learned prelate:
Hear him debate of commonwealth affairs,
You'd say it hath been all-in-all his study.
List his discourse of war, and you shall hear
A fearful battle rendered you in music.
Turn him to any cause of policy,
The Gordian Knot of it he will unloose,
Familiar as his garter.

SHAKESPEARE.

Having added weight and dignity to the seats of *Attorney* and *Solicitor General*, his reputation as a *speaker*, a *lawyer*, and a *politician*, elevated him to the Peerage, and the exalted post of *Chief Justice of England*. He ascended to the dignities of state by rapid strides: they were not bestowed by the caprice of party favour, or affection. They were (as was said of PLINY) liberal dispensations of power upon an object that knew how to add new lustre to that power, by the rational exertion of his own.

Here

* See the parliamentary debates, EVERY WHERE.

Here we can ſpeak of this great man within our own recollection; and however party-prejudices may adopt their different favourites, and each contend in detracting from the merit of the other, it is, we believe, generally underſtood, that *precedence* is allowed to the EARL of MANSFIELD, as the firſt magiſtrate that ever ſo pre-eminently graced that important ſtation. The wiſdom of his deciſions, and unbiaſſed tenor of his public conduct, will be held in veneration by the ſages of the law, as long as the ſpirit of the conſtitution, and juſt notions of equity continue to have exiſtence. No man has in an equal degree, poſſeſſed that wonderful ſagacity in diſcovering chicanery and artifice, and ſeparating fallacy from truth, and ſophiſtry from argument, ſo as to hit *the exact equity of the caſe*. He never permitted juſtice to be *ſtrangled* in the nets of form.

His memory was aſtoniſhing; he "never (when ſitting upon the bench) "took any notes, or if he did, ſeldom or ever "consulted

"consulted them." His * references to expressions which fell from him in the course of debate, and his quotations from books, were so faithful, that they might have been said to have been repeated *verbatim*. The purposes to which he employed these amazing talents, were still more extraordinary: if it was the weak part of his opponent's arguments that he referred to, he was sure to expose its fallacy, weakness, or absurdity in the most poignant satire, or hold it up in the most ridiculous point of view. If, on the contrary, it were a point on which his adversaries lay their chief stress, he stated the words correctly, collected their obvious meaning, considered the force of the several arguments that had or might have been raised upon them, with a precision that would induce an auditor almost to suppose that he had previously considered the whole, and that his speech was the result of much previous study and deliberation.

* See Review of Political Characters, 8vo. 1777.

It

It may be said of MANSFIELD as of VIRGIL,* that if he had any faults, they might be considered in the same manner with those of some eminent fixed star, which, if they exist at all, are above the reach of human observation. The luminous æther of his life was not obscured by any shade dark enough to be denominated a defect. On account of his descent, local prejudices and propensities were imputed to him, and his conduct on that account examined with a *microscopic* eye,† but the optic through which it was viewed, possessed a *party tinge* equally odious and deceptive.

His political principles were ever *consistent*; and to preserve *consistency* in such stations and in such times as occupied the life of MANSFIELD, constitute an *ordeal* strongly impressive of virtue. It has been said that he wanted spirit! Is the uniform opposition

* See Burton's Classical Remains, Tit. VIRGIL.

† See the celebrated *corrosive* Letters of JUNIUS.

opposition of popular opinion, and apparently the contempt of it, any proof of the assertion? His speech and conduct in the affair of WILKES's outlawry, when popular prejudice ran in torrents, illustrate each other; the lustre of his eloquence was something more than human; and the *firm integrity* of the judge was the emanation of a Divinity.* Here, DEMOSTHENES

* *Extract of his Lordship's Speech, &c.*

"If I have ever supported the King's measures; if I have ever afforded any assistance to Government; if I have discharged my duty as a public or private officer, by endeavouring to preserve pure and perfect the principles of the constitution; maintaining unsullied the honour of the courts of justice, and, by an upright administration of, to give a due effect *to* the laws, I have hitherto done it without any other gift or reward than that most pleasing and most honourable one, the conscientious conviction of doing what was right. I do not affect to scorn the opinion of mankind; I wish earnestly for popularity; I will seek and will have popularity; but I will tell you how I will obtain it; I will have that popularity which *follows*, and not that which is *run after*. 'Tis not the applause of a day, 'tis not the huzzas of thousands, that can give a moment's satisfaction to a rational being; that man's mind must indeed be a weak one, and his ambition of a most depraved

NES and TULLY ſhrink from the comparison; here acknowledged ſuperiority ſtands

praved ſort, who can be captivated by ſuch wretched allurements, or ſatisfied with ſuch momentary gratifications. I ſay with the Roman orator, and can ſay it with as much truth as he did, "*Ego hoc animo ſemper fui, ut invidiam virtute partam, gloriam, non infamiam, putarem.*" But threats have been carried further; perſonal violence has been denounced, unleſs public humour be complied with. I do not fear ſuch threats; I don't believe there is any reaſon to fear them; 'tis not the genius of the worſt of men in the worſt of times to proceed to ſuch ſhocking extremities: but, if ſuch an event ſhould happen, let it be ſo; even ſuch an event might be productive of wholeſome effects; ſuch a ſtroke might rouſe the better part of the nation from their lethargic condition to a ſtate of activity, to aſſert and execute the law, and puniſh the daring and impious hands which had violated it; and thoſe who now ſupinely behold the danger which threatens all liberty, from the moſt abandoned licentiouſneſs, might, by ſuch an event, be awakened to a ſenſe of their ſituation, as drunken men are oftentimes ſtunned into ſobriety. If the ſecurity of our perſons and property, of all we hold dear and valuable, are to depend upon the caprice of a giddy multitude, or to be at the diſpoſal of a mob; if, in compliance with the humours, and to appeaſe the clamours of thoſe, all civil and political inſtitutions are to be diſregarded or overthrown, a life, ſomewhat more than ſixty, is not worth

pre-

ſtands confeſſed; here the exulting BRITON may exclaim—

Cedite Romani, cedite Grali!

He deſpiſed (to borrow an expreſſion of his own) that muſhroom popularity that is raiſed without merit, and loſt without a crime:—he diſdained being the ſlave of popular impulſe, or to acknowledge the ſhouts of a mob for the trumpet of fame.

Another inſtance, at leaſt, of great perſonal courage, was the unpopular maxim that he ſtruggled to introduce into common acceptation reſpecting the incapacity of juries to determine in caſes of libel further than the fact of publication. This doctrine excited a general perturbation without, and an extenſive execration within doors: a doctrine which divided the opinions

preſerving at ſuch a price; and he can never die too ſoon, who lays down his life in ſupport and vindication of the policy, the government, and the conſtitution of his country."

ſions of men, who were apt, on *all other* occaſions, to coincide with his Lordſhip, and to take his word with as ready currency as the coin of the kingdom.*

As

* The conſtruction that his Lordſhip endeavoured to put on the verdict given by the jury in Woodfall's trial, and his conduct on the Bench, when an arreſt of judgment was moved for, were much reprobated at the time. Lord Chatham's ſpeech on the occaſion, in Dec. 1770, is yet remembered: it ran to this purport: "My Lords, the verdict given in Woodfall's trial was *guilty of printing and publiſhing* ONLY; upon which two motions were made in Court, one in arreſt of judgment by the defendant's Counſel, grounded on the ambiguity of the verdict, the other by the Counſel for the Crown, for a rule upon the defendant to ſhew cauſe why the verdict ſhould not be entered up, according to the legal import of the words. On both motions a rule was granted; and, ſoon after, the matter was argued before the Court of King's Bench. The noble Judge, when he delivered the opinion of the Court upon the verdict, went regularly through the whole of the proceedings at *Niſi Prius*, as well the evidence that had been given as his own charge to the jury. This proceeding would have been very proper, had a motion been made on either ſide for a new trial; becauſe either a verdict given contrary to evidence, or an improper charge by the Judge at *Niſi Prius*, is held to be a ſufficient ground for granting a new trial. But, when a motion is made in arreſt

As a Speaker in the Houſe of Lords, where was his competitor? The grace of his action, the fire and vivacity of his looks, are ſtill preſent to imagination: and the harmony of his voice yet vibrates in the ear of thoſe who have been accuſtomed to liſten to him.

His Lordſhip poſſeſſed the ſtrongeſt powers of diſcrimination:—his language was elegant and perſpicuous, arranged with the happieſt method, and applied with

reſt of judgment, or for eſtabliſhing the verdict, by entering it up according to the legal import of the words, it muſt be on the ground of ſomething appearing *on the face of the record*; and the Court, in conſidering whether the verdict ſhall be eſtabliſhed or not, are ſo confined to the *record*, that they cannot take notice of any thing that does not appear on the face of it; in legal phraſe, *they cannot travel out of the record*. The noble Judge did travel out of the record; and, I affirm, that his diſcourſe was *irregular*, *extra-judicial*, and *unprecedented*. His apparent motive for doing what he knew to be wrong was, that he might have an opportunity of telling the public *extra-judicially*, that the other three Judges concurred in the doctrine laid down in his charge."

with the utmoſt extent of human ingenuity. His images were often bold, and always juſt; but the character of his eloquence is that of being *flowing*, *ſoft*, *delightful*, and *affecting*. His genius, ſays a modern writer, is comprehenſive and penetrating, and when he judges it neceſſary, he pours forth ſounds the moſt ſeductive, equally calculated to perſuade and to convince. Among his more rare qualifications (ſays he), may be added the external graces of his perſon, the piercing eye, the fine-toned voice and harmonious elocution, and that happy arrangement which poſſeſſes all the accuracy and elegance of the moſt laboured compoſitions. He was modeſt and unaſſuming; never deſcending to perſonal altercation, or replying to perſonal reflections. He preſerved his own dignity, and that of the Houſe over which he had very deſervedly, for a great number of years, an uncontrolled and almoſt an unlimited influence.

His

His Lordſhip quitting the profeſſion, by abdicating his ſeat * upon the Bench, of which he had been thirty years an illuſtrious ornament, exhibited a very affecting and awful ſcene. We ſee the *children* of eloquence taking a laſt farewell of their *parent*. He retired full of glory; the rays of which lend a luſtre to the ſhade of his retreat, and beam forth their ſplendor round him.† His relinquiſhment of office, forms an important epoch in the annals of Engliſh juriſprudence.

* See the letters that paſſed between his Lordſhip and the BAR, through Mr. ERSKINE.

† His Lordſhip is ſuppoſed immenſely rich. The principal part of his property is ſaid to be inveſted in mortgages, to the amount of 250,000l. in Ireland.

His Lordſhip ſuffered greatly during the riots of 1780, for which however, he nobly refuſed all reparation. The following is a copy of his Lordſhip's letter to Mr. KEENE upon the ſubject, dated 21ſt Auguſt, 1780.

"SIR,

"I am extremely obliged to you, for your attention in calling upon me before I went the circuit, and laſt Friday again ſince my return, and in now communicating to me, by

jurisprudence. This great and superior person, the rare endowments of whose mind have so long and so deservedly sustained him in the seat of the Chief Criminal Justice of England, has seen his popularity

by your letter of Saturday, the unanimous vote of the House of Commons of the 6th July, and the reference of the Lords of the Treasury of the 18th July to your Board, and desiring me to enable you to comply with the order of the Lords of the Treasury; and so far as I am concerned, I return you my thanks for your great civility.

"Besides what is irreparable, my pecuniary loss is great—I apprehended no danger, and therefore took no precaution; but how great soever that loss may be, I think it does not become me to claim or expect reparation from the state. I have made up my mind to bear my misfortunes as I ought, with this consolation, that it came from those whose object manifestly was general confusion and destruction at home, in addition to a dangerous and complicated war abroad. If I should lay before you any account or computation of the pecuniary damage I have sustained, it might seem a claim or expectation of being indemnified, therefore you will have no further trouble from

"Your most obedient,

"Humble servant,

"MANSFIELD."

rity ſurvive even the rude attacks of *Junius*, and bloom anew in the evening of his life. We now view him, like the great luminary of the world, gently deſcending to the weſt, with all his magnitude, but without his effulgence, diffuſing a mild and delightful influence, in exchange for the luſtre of his priſtine radiance. * The laurel is yet alive upon his venerable

* Others have held a very different opinion of this great Character, and therefore it is but fair to ſubjoin a *ſketch* drawn ſome years back, by a different maſter poſſeſſed of very different ſentiments, and who has laid on his colours with a very bold hand:

"Lord MANSFIELD is perhaps the only man in England whoſe capacity never has been diſputed. In this reſpect, courtiers and patriots alike have been laviſh in his praiſe. His talents, notwithſtanding, are ſomewhat equivocal; and, if carefully examined, will be found to be below that ſtandard at which they have been fixed by a long and vulgar preſcription. The nervous oratory of Lord Chatham has not unfrequently diſconcerted him; and when oppoſed by the cultivated powers of Lord Camden, his agitation diſcovered that he dreaded him as a ſuperior. Maſter of a moſt

venerable brow, but must be very soon transplanted from his temple to his tomb.

It is now generally understood, that new Courts of Justice, and a House of Parliament are about being erected, in lieu of that venerable pile which has been the pride of so many ages. This looks like the effect

a most refined plausibility, he has been artful enough to acquire a high reputation, and prudent enough to support it. But talents like these are ever possessed by men of confined capacities alone. An imposing manner, an insinuating voice, and the quickness of his eye, are the chief ingredients of his eloquence: with these charms he fascinates the unsuspicious, and deceives the undiscerning. Hence his speeches, when examined in the closet, are no longer eloquent; they do not convince us, they do not please. We are surprised how we could have heard with applause, what we read without approbation. We discover in them no ingenuity, no strength of argument, no force of thought, no eloquence of expression.

"The rapidity with which he proceeded in the decision of suits has been ascribed to the acuteness of his parts; it was a consequence, however, of his experience in business: and while he has been seduced by it to pronounce suspicious,

effect of *sympathy*, as if the old hall mourned his absence, and, unable to survive the loss of so much eloquence and virtue, im-

suspicious, and sometimes contradictory judgments, it will prove a source of fruitful mistake to his successors. More versant in the Roman than in the English jurisprudence, he is guided more by general rules of equity than by principles of law. He is apt to assume an unpardonable latitude in the interpretation of statutes, and to decide upon them not as they are, but as he conceives they ought to be; he would submit the acts of the legislature to the discretion of a judge. A favourer of arbitrary power by education and principle, he is continually opposing his talents to the interests of liberty. In a situation where he might advance the good of his country, he plans its destruction. While he might preserve the essential parts of the constitution, he sacrifices his integrity to party. While he ought to be moderate, he is extravagant: his prejudices triumph over his reason; his passions over his duty. He fosters by his counsels the distraction of a nation, and gives rise to those perpetual indiscretions that disgrace government. His hesitation and irresolute temper he seems to have communicated to the members of administration: measures are adopted, now daring and atrocious, now timid and scrupulous; now marked by the boldest characters of tyranny, and now wearing the meanest aspect of slavery.

"A reputation, for which he has been indebted to the extent of his memory, and to the possession of showy, rather than

immediately drooped and decayed on removal of it's greateſt ornament.

Conſpicuous ſcene! another yet is nigh,
More ſilent far, where Kings and Poets lie;
Where *Murray*, long enough his country's pride,
Shall be no more than *Tully* or than *Hyde*.

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than of ſolid, parts, muſt neceſſarily decline. His avidity of fame will be puniſhed by abundance of contempt, and his thirſt of power will be quenched by general execration. The favour of his Sovereign will not preſerve him from the deteſtation of the world."

A VERY LITTLE DISINTERESTED AND DISPASSIONATE ENQUIRY IS, HOWEVER, SUFFICIENT TO OBVIATE THE GROUNDLESS CHARGES WITH WHICH THIS CHARACTER OF HIS LORDSHIP IS SO PREGNANT.

The moſt general charge againſt Lord Mansfield, as a Judge, has been, that he attempted to change the King's Bench, a Court of Common Law, into a Court of Equity; and that, inſtead of thoſe poſitive rules by which the judgment of a Court of Law ſhould be invariably determined, he has introduced his own notions of *equity* and *ſubſtantial juſtice*.

Whether this charge be true or falſe, it is certainly the moſt ſingular that ever was brought againſt a common law judge. It has conſtantly been conſidered as the reproach of

of the men of this order, that they love to adhere to *law* in opposition to *equity*; that they would rather kill by the *letter* than save by the *spirit*; and that they always murmur, and sometimes clamour, let reason determine ever so rightly, if it determines otherwise than the law directs.

An example may here be of use. The trial of Sir William Friend, Sir William Parkyns, and others, on the assassination plot, came to be heard after the bill for the provision of counsel learned in the law had received the royal assent, but before the commencement of its operation as a statute.

"I intreat," said Parkyns, "that I may have the allowance of counsel: I have no skill in indictments: I do not understand these matters; nor what advantages may be proper for me to take. The new statute wants but one day. What is just and reasonable to-morrow, surely is just and reasonable to-day:—and your Lordship," addressing himself to the Chief Justice, "may indulge me in this case."

"But," says the humane author of the *principles of penal laws*, "Chief Justice Holt was too good a *Judge* to suffer the stubborn maxims of *Law* to yield to the milder interpretations of *Equity*."

"We cannot," he replied, "alter the law till law-makers direct us: we must conform to the law as it is at present, not what it will be to-morrow."

This, as far as I can learn, has been at all times the temper of lawyers: they are not only angry when things

are

are done against forms, but when they are done without them: they hate to have any cause determined by equity. Why?—it will perhaps be asked—Not, I presume, from any natural aversion to equity, for it would be absurd to suppose a disposition peculiar to any order of men; but from its tendency to supersede law. All orders hate, and ever will hate, whatever tends to lessen the consequence of their profession. Divines hate morality, when opposed to religion; and physicans hate regimen, when opposed to medicine.

Human nature upon this head is uniform. "Reverence "yourself," is a maxim in philosophy. Now man's second self is his profession; nay, in fact, it is often his first: and no body of men have ever reverenced themselves more sincerely as an order, than the professors of the law. If Lord Mansfield therefore has, at times, departed from the *letter*, that he might adhere to the *spirit* of the law; if, in a court of common law, he has occasionally judged cases according to the rules of equity; or, as his enemies do him the honour to call it, *substantial justice*; he can only be supposed to have acted from a principle of conscience; as he could never hope, by such a conduct, to rise in the opinion of the bar, while he exposed himself to the censure of ignorance, malevolence and envy.

Another charge, and a very weighty one, against his Lordship is, that he meant to destroy the Liberty of the Press, which has been justly called the *Palladium* of all the civil, political, and religious rights of an Englishman; and it has been further said, that no particular abuses

ought

ought to produce a forfeiture of this liberty. I shall not pretend to determine whether they *ought* or not; but if our licentious manners continue, they most assuredly *will*: for never did an envenomed scurrility against every thing sacred and civil, public and private, rage throughout any kingdom with such a furious and unbridled licence.

The constitution of things is such, that extremes inevitably produce extremes. The abuse of any thing necessarily destroys its use. If a people grow licentious and ungovernable, it is as natural perhaps, as necessary, for their Rulers to increase restraint, as it is for a rider to tighten the reins, in proportion to the curvetting and unmanageableness of his horse.

A third charge against Lord Mansfield is, that he invaded the constitutional power of Juries, by confining their judgment to the *matter of fact*, and not suffering them to touch upon the *matter of law*.

Trial by Jury is an essential part of our constitution, but many people think it highly absurd, that such persons as usually compose a jury should be made judges in matters of law; and would by all means confine their judgment to the *matter of fact*. If this, therefore, should be his Lordship's opinion, as perhaps it in great measure is, he is by no means singular in it. All our law books insist upon vicinity, as the prime and essential qualification of a juryman; that is, that he be chosen out of the neighbourhood where the fact is supposed to have been committed: *de vicinito, ubi factum supponitur*, says Fortescue: because, as they write, *vicinus facta vicini præsumitur scire*, the nearer the

the fact, the more perfect may be supposed his knowledge of it; but they say little or nothing of his qualifications in law; and consequently include only half the idea of a jury-man, according to those who would have him a judge of *law*, as well as of *fact*.

There is a passage in Bracton, which seems to shew, that in Henry the Third's time, it was the duty of the judge to control the verdict of the jury; and Lord Clarendon declares himself positively, that the jury are not to judge of the *law*; and speaks contemptuously of Hobbes for making them judges of *law*, as well as *fact*. But however Hobbes may have forgot himself in the passage which his Lordship censures, he elsewhere expressly says, "That these twelve men, the jury, are no court of equi-"ty or of justice; because they determine not what is "*just* or *unjust*, but only whether it be *done* or *not*: and "their judgment is nothing else but a confirmation of "that which is properly the judgment of the wit-"nesses."

To these respectable authorities, I shall add that of the great Montesquieu, who resided some time in England; and in his admirable work, The Spirit of Laws, says, "*En* "*Angleterre, les jurés decident, si l'accusé est coupable ou non* "*du* fait, *qui a été porté devant eux*."—"In England, juries determine whether or not the accused is guilty of the *fact* brought before them."

It cannot however be denied, that LITTLETON says, "If the *jury will take upon them the knowledge* "*of the law upon the matter, they may*;" to which Lord

Lord Coke agrees in his comment on the paſſage: but it ſeems ureaſonable that they ever *ſhould*. How is it poſſible for uninſtructed, though honeſt, and perhaps ſenſible men, to judge of the nature of crimes and puniſhments?— I know indeed it has been ſaid, if they are not judges of *law* as well as of *fact*, how can they pronounce any man *guilty* or *not guilty*? Nothing, in my mind, is more ſimple, unleſs recourſe be had to quibble. The judge explains the nature of the crime; the jury conſequently know the puniſhment due to it; the verdict then follows from the competency or incompetency of the evidence, as diſtinctly as if the original conception of the crime had been their's. I cannot, therefore, ſee how Lord Mansfield is reproachable, for conſidering Engliſh juries in the ſame light with the moſt reſpectable lawyers of the paſt and preſent ages; or how a conſtitutional right can be ſaid to be invaded, while law is doubtful of its validity, and reaſon preſcribes its exiſtence.

After having examined the accuſations brought againſt his Lordſhip in his judicial capacity, let us liſten to what is ſaid of him in his political one. And here we are told he was a Jacobite, and an abettor of deſpotiſm. How inconſiſtent are the enemies of this man! One while they deſcribe him as of powers tranſcendent, knowing and pervading almoſt every thing; as a being of a ſuperior order, incapable of erring, unleſs by deſign. But lo! while we contemplate this extraordinary perſonage, who ſurveys the ſyſtem of human affairs through the medium of pure reaſon, we are ſuddenly preſented with a very different kind of figure from that which filled our hearts with awe. The great being diſappears, and in his place we diſcover a

little

little vulgar mortal, a dupe to prejudices of the meanest kind, and to passions as contemptible as their objects.—What could Lord Mansfield hope for from the Pretender, whose image, we are told, he carried secretly in his bosom, whose person, he is said to reverence and adore? Could he ever expect to have been greater in the Court of Charles the Third, than in that of George the Third? Where it is cause of accusation against him, that while he would be thought to take no share in government, he was in reality the main-spring of the machine. If his Lordship was therefore at the head of the ministry, as well as at the head of the law, it would puzzle a conjurer to see what he could get by a revolution; and to suppose a statesman to forward such an event, without any motives of interest or ambition, is a conceit too absurd to deserve an answer.

THE

THE RIGHT HONOURABLE

# *The* EARL *of* CAMDEN.*

——OLIM TROJA FUIT——*FUIT* ILIUM.——

VIRG.

IT is the obſervation of an elegant Hiſtorian, that there is an ultimate point of *depreſſion*, as well as of *exaltation*, when human affairs naturally return in a contrary progreſs, and beyond which they ſeldom proceed, either in their advancement or decline.—The obſervation applies with equal truth to the human *character*, and *pointedly* ſo, to the character before us. Viewing the *once* great Lord CAMDEN in all his priſtine glory, we are compelled to confeſs,

* SEE the accounts given of Lord CAMDEN, in the Review of Parliamentary Characters, 8vo. 1777, The Royal Regiſter; and European Magazine.

confeſs, that antiquity boaſts *few*, and modern hiſtory *none* more illuſtrious. Perfectly ſkilled in the laws and conſtitution of his country, equally eminent in wiſdom, and eloquent in debate, CAMDEN was *once* their favoured champion and defender!——*NOW*

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CHARLES PRATT, Earl CAMDEN, is the eighth ſon of Sir JOHN PRATT, Lord Chief Juſtice of the Court of King's Bench in the reign of George the Firſt, by his ſecond Lady, ELIZABETH. His father died in 1724, leaving this ſon an infant, and (as is ſaid) with a ſlender proviſion.

He received his education at *Eton*, from whence, in 1731, he was ſent to *King's College, Cambridge*, of which ſociety, he became a Fellow.—In 1735, he took the degree

degree of *Batchelor* of *Arts*, and that of *Master* in 1739; very soon after which, fixing on the law for his profession, he entered himself a Member of one of the Inns of Court.*

He possessed a penetrating and lively genius† that led him, with ease, through the most abstruse studies.—His conception was remarkably quick and clear, and his fine talents highly cultivated.

After

* We believe the Middle Temple—When admitted of Lincoln's-Inn, in 1757, he was one of the King's Counsel.

† This great man is said to be particularly fond of amusing himself with the fairy works of romantic writers; and that *Clelia*, *Cassandra*, and similar productions, have been the favourites of his leisure hours. By the pedantic and phlegmatic, these may be denominated puerile and trifling; but, without entering into a defence of the old writers of romance, which are so superior, in point of instruction, to modern novels, I feel a degree of admiration of those abilities which the barren, dry, and continued pursuits of law erudition cannot subdue into the dullness of professional insensibility, but still preserve a real feeling for the flowers of fancy and the works of genius—*Note in the Royal Register.*

After the usual period of admission, he was called to the bar, where, for several years, his practice was so inconsiderable, as almost to produce despondency; and it is reported, that he gradually beheld his small patrimony mouldering away, without hopes of bettering, or even retrieving his circumstances by professional exertions: and that so inadequate was his encouragement to his expectations, that he had at one period determined at once to abandon his profession and his country. These obstacles were, however, happily removed by perseverance.

About this period, his school-fellow and collegiate friend, Dr. SNEYD DAVIES, addressed his beautiful Poetic Epistle to him, in which, after painting the pleasures of their youthful intercourse, and the transition from that happier period of life to manhood, and its more worldly pursuits, he encouraged him by the examples of COWPER, TALBOT, SOMERS, and YORKE.

Whether

Whether this advice, by stimulating his hopes, added additional elasticity to his professional pursuits, certain it is, that his diligence was soon after noticed and rewarded; and it is recorded of him, that he conducted himself, through the course of great practice, with the highest credit and reputation.

He was a *popular* lawyer, and ever forward to defend the rights of the people. When OWEN was tried for publishing the case of ALEXANDER MURRAY, in 1752, Mr. PRATT was one of his counsel, and signalized himself by a very able constitutional argument on that occasion.

At the general election of 1754, he was chosen member for *Downton*,* and at this period,

* On a bill being proposed in the House of Commons to extend the benefits of the Habeas Corpus Act, which however did not pass, he is said to have written the pamphlet intitled, "An Enquiry into the Nature and Effect of the Habeas Corpus Act." 8vo. 1755.

period, he was certainly considered the most rising advocate at the bar; at a time too, when some of the ablest men then living were exercising their talents on the same ground.

In 1759, Mr. PRATT was chosen *Recorder* of *Bath*,* probably through the interest of Lord CHATHAM, (then Mr. PITT,) between whom a firm, lasting, and well-cemented friendship seems to have subsisted through life.

In the same year, he was appointed, *at once*, without passing the usual gradation, to the office of *Attorney General*, on the advancement of Lord NORTHINGTON to the seals.

In

* His Lordship, some few years ago, took a very active part in the disputes between the subscribers to the upper and lower rooms at Bath. He exerted himself with uncommon ardour in support of the latter, to his general influence adding personal application; and not confining his zeal to private society, he constantly attended the public meetings, where he suggested the measures to be pursued.

In 1760, he was chosen Member for *Bath*; and in 1761 appointed *Chief Justice of the Common Pleas*, and knighted on the death of Sir JOHN WILLES. It was during his presidency in this Court, that WILKES's case came before him for decision; and his determination will ever do him honour, as a just, able, and learned lawyer, and a bold and unbiassed defender of the rights of the people. In the laurelled wreath that binds his brow, this is a leaf that will remain for ever green, to adorn the withered bough.

In July, 1765, he was advanced to the dignity of a *Peer of Great Britain*, by the title of Lord CAMDEN, *Baron of Camden*, in the County of *Kent*.

On the 30th of July, 1766, upon the change of ministry, formed by Lord CHATHAM, he was created *Lord High Chancellor*; a post he also held with equal honour to himself, and satisfaction to the

ſuitors and practiſers of the Court, until his reſignation in the year 1770:—but it ought not to paſs unrecorded, that ſoon after his promotion to this high office, the late celebrated *conſtitutional judge* was heard to defend, *as Chancellor*, a meaſure *avowedly illegal and unconſtitutional.*

The *then Mayor* of *London* (a cornfactor,) had alarmed the miniſtry with an account of a ſhort crop of corn at home, a failure of the harveſt all over Europe, and a rapid exportation under the corn laws. The buſineſs was debated in council, *when the exportation was forbid by royal proclamation.* This was conſidered as more dangerous than even the caſe of *ſhip-money*, as an attack on the conſtitution, and an invaſion of the laws. His Lordſhip defended the meaſure on the ground of *ſtate neceſſity*; and, upon this occaſion, not only fixed the exerciſe of the Royal prerogative in the firſt Magiſtrate, but endeavoured to inveſt him with the *option*, WHEN, and ON WHAT OCCASIONS (with the advice of

of the privy council) that prerogative might be exercised, in contradiction to the known laws of the land, and the acknowledged principles of the constitution.

In the year 1770, disapproving the measures of administration respecting *America*, he resigned,* and from this period, became the warm and determined enemy of that system, which was so fatally pursued during the administration of Lord NORTH.

Dismissed from his rank and office, he retired with the same dignity with which he had sustained it; proving that he had *once* more virtue than his enemies, and, consequently, more honour; that he had *once* universal fame and admiration—*the dupe of no minister, nor the supporter of any measure of which the object was not the interest of his country.*

No

* It has been said, he did not voluntarily quit his official station, but (in less courtly phrase) was turned out—for an antiministerial vote. This was spiritedly asserted by Lord CHATHAM, but denied by administration.

No man is more amiable in private life; and, when removed from the bustle of public business, his many social virtues shine in the lustre of private excellence.

There is nothing *lukewarm* in this Nobleman's temper: on whatever side he engages, he discovers the energy of his feelings, and the force of his understanding. The rebellion in America, was, perhaps, first fanned into flame by his *subtle*, *fine-spun* arguments in favour of the colonists.—From the warmth of his heart, and the vigour of his abilities, his capacity to support his friends, bears an equal proportion to the power of attacking his enemies.

He opposed in the House of Lords, some legal opinions pronounced in the Court of King's Bench, on the doctrine of libels, and on other constitutional subjects, in which he was supported

by

by his great and noble friend the Earl of CHATHAM.

On the 17th of March, 1782, he was appointed *President of the Council*, a post which he resigned in 1783, but has since resumed, and yet retains.

He was equally able as a lawyer and an advocate. All his speeches have a sweet simplicity, an exquisite grace, a clearness, and (to borrow an expression of Sir WM. JONES, speaking of LYSIAS, the Grecian orator) a *transparency*, which is more easily conceived than defined, admired than imitated, and which is analogous to gracefulness in motion, and melody in a series of sounds.—He *simplifies* every thing, and delivers his opinions with a *plainness* that captivates while it enlightens, so that if *Truth* should assume a human voice and form, she could use no other language.*

His

* SEE the learned Prefatory Discourse to Sir William Jones's Translation of Isæus.

His parliamentary abilities are unquestionably great, and he is, perhaps, superior to every one but Fox, in depth of reasoning and logical definition. He never leaves his antagonist an opening; and, if he ever addresses the passions, it is through the medium of argument. He would be no match for Fox or DEMOSTHENES in *haranguing* a popular assembly, but he would equal them in an *Areopagus*. He is fond of first principles, of which he never loses sight. His style is cool, deliberate and persuasive: his volubility, choice of language, and flow of ideas, are inexhaustible; neither is his judgment any way inferior to his oratory.

The human mind is *pained* in *contrasting* the meridian splendor of this *once* luminous character with its present *dusky declension*. He, who *was* the champion of liberty, the friend of CHATHAM, and the competitor of MANSFIELD; he, who once shunned no public question, and who was, consequently,

quently, followed by the admiration and gratitude of the kingdom, feems now exerting only the *languid remains* of eloquence, and exhaufting the dregs of wifdom, impregnated with the weaknefs of dotage, as if carelefs of the glory that *fhould* have concluded the career of his earlier fame.

THE RIGHT HONOURABLE

# *The* EARL *of* BATHURST

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GOODMAN *Verges*, Sir, ſpeaks a little on the matter; an old man, Sir, and his wits are not ſo blunt as, God help I would deſire they were; but in faith, as honeſt as the ſkin between his brows.—

GRATIANO ſpeaks an infinite deal of nothing--his reaſons are as two grains of wheat hid in two buſhels of chaff; you ſhall ſeek all day ere you find them, and then they are not worth the ſearch.—

SHAKESPEARE.

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IF general report be entitled to any credit, we may boldly write down, that the EARL of BATHURST became a great character *per force*—he was nurſed in a political hot-bed, and raiſed *per fas aut nefas*. Nothing leſs than the ſame neceſſity introduces his Lordſhip's

Lordſhip's name in the ſame page with thoſe illuſtrious perſonages, which it is the purpoſe of this volume to pourtray.

The EARL of BATHURST, as the regiſter proclaims, is deſcended of an illuſtrious family; his father was the much celebrated nobleman whom POPE, in his tuneful numbers, ſo highly, ſo elegantly, and ſo juſtly panegyriſed; and SWIFT, in ſpight of his ſatyrical vein, and almoſt in contradiction of his nature, condeſcended to praiſe. The old earl was commonly known under the accepted deſcription of one of *Queen Ann's Peers*, who, like ſome of later date, ſprung up in an abundant and unexpected crop, in a ſingle night. If, however, they had all owned the ſame pretenſions with his Lordſhip, we ſhould have ſuppoſed that the *batch* of new-made lordlings would have eſcaped a *general* name, which oftener originates from contempt, ther than a more ennobled principle.

The

The present EARL of BATHURST, by the force of natural conclusion, must be understood to have received an education liberal as his birth; for he who is fond of the learned, by an undeniable axiom, must be equally attached to the arts which they profess.

At a very early period he was endued with the *Toga forensis*, and, much sooner than is common, exchanged the rough bombazeen for the more light and silken robe, that is the sure indication of professional advancement. He *travelled* all the *stages* of the law, with a rapidity that great power and interest can alone, in the same degree, accelerate.———His professional character in his several official situations, was never prominently conspicuous till that wonderful day, when he LEAPT at once into the foremost seat of the law.

Every individual member of the profession stood amazed; but Time, the great reconciler

conciler of ſtrange events, conciliated matters *even here*. It was ſeen, that the noble Earl was called upon from high authority to fill an important office, which no other could be conveniently found to occupy. Lord CAMDEN had retired without any abatement of *rooted* diſguſt, far beyond the reach of perſuaſion to remove. The great CHARLES YORKE, the unhappy victim of an unworldly ſenſibility, had juſt reſigned the ſeals and an ineſtimable life together: where could the eye of adminiſtration be directed? The rage of party ran in torrents of fire. The then Attorney and Solicitor General were at the moment thought ineligible—perhaps too, the noble lord, then at the head of affairs, and who was yet *untried*, had a policy in not forwarding *tranſcendent* abilities to obſcure his own. Every ſuch apprehenſion vaniſhed upon the preſent appointment—Ths man could raiſe no ſenſation of envy as a rival, or fear as an enemy.

He

He was made Chancellor in 1771; and on retiring from his station in 1778, to make way for the present legal Atlas, was appointed Lord President of the Council.

He never entered the chancery court with a firm, dauntless step. The daring THURLOW, and the wary WEDDERBURNE, frequented the haunts that he was equally necessitated daily to pursue, under a dread of their formidable talents.—These great men stood constantly opposed to each other, and it required the eye and nerve of a master to parry their oratorical assaults. Skilled equally to attack and to defend, it required the finest intellect, and that incessantly upon the stretch of exertion, to balance their powers, and preserve the scale of equity from unfair preponderance; a task to which he was so unequal, that it has been averred by the wits, that even an OLD WOMAN had sufficient ability to vanquish his lordship in

in *his own* court.* In this recorded ſaying, the ſuit and it's determination concerning the ground on which he built the houſe at Hyde-park Corner, is evidently glanced at.—

As a ſpeaker of the houſe of lords, and viewing him in a political light, this account muſt, from circumſtances, be neceſſarily ſhort. Such as had the fortune to behold his Lordſhip preſiding at the table of the Lords, and have witneſſed the ſuperior dignity of Mansfield, and the awful aſpect of Thurlow's ſullen ſcowl, in the ſame elevated chair, will not, (we are perſuaded) to ſpeak mildly, pay a bad compliment to the *preſent*, in the recollection of *paſt* times: neither has his political life been marked with all the ſtubbornneſs of CATONIAN virtue; happily for its owner, his diſpoſition has been more accommodating

* ——— *Suo ſibi* gladios hunc
Jugulo ———

ting and accordant to the temper of modern times.—He has occasionally taken part with every administration, from the glorious days of Lord CHATHAM, to the present degenerate æra of WILLIAM PITT.

He has been, at different times, the *locum tenens* of Lord Thurlow, when involuntary exclamation heaves from the heart of every beholder—HEU! (they sigh)

——QUANTUM MUTATUS AB ILLO HECTORE!

As a private nobleman he has some good traits: a benevolent heart that we know has been put to the severest test. His natural temper is said to be sordid and penurious; but there are many of his actions within recollection, which should rescue his character from so ungenerous an imputation. The patronage that his lordship afforded the DAWNING talents of SIR WILLIAM JONES,

JONES,* will ever be an honourable testimony of virtue of this description, and ought to plead as an attonement for many political errors.

* The acknowledgments of Sir William Jones were not wanting, whatever might have been the services received at his Lordship's hands: but take his own words.—

"I check myself, therefore, my lord, with reluctance, and abstain from those topicks, to which the overflowing of my zeal would naturally impel me; but I cannot let slip this opportunity of informing the public, who have hitherto indulgently approved and encouraged my labours, that, although I have received many signal marks of friendship from a number of illustrious persons, to whose favours I can never proportion my thanks, yet your lordship has been my greatest, my only *benefactor*; that, without any solicitation, or even request on my part, you gave me a substantial and permanent token of regard, which you rendered still more valuable by your obliging manner of giving it, and which has been literally the sole fruit that I have gathered from an incessant course of very painful toil; that your kind intentions extended to a larger field; and that you had even determined to reward me in a manner the most agreeable, both to my inclinations and to the nature of my studies, if an event, which has procured an accession to your happiness, could not but conduce to mine, had not prevented the full effects of your kindness.

"It

"It might here become me to suppress, what I cannot however persuade myself to conceal, that your lordship was pleased to assign the most flattering reasons for your intention, and to declare that you desired my promotion, both for my own sake, and for that of the public; the first of which motives I ascribe to your candour and the goodness of your heart; the second, which I am wholly unconscious of deserving, I can impute only to your singular benignity and indulgence."

*Vid.* his Epist. Dedic. to the Transl. of Isæus.

THE HONOURABLE

# *Sir* RICHARD PEPPER ARDEN, *Kt.*

MASTER OF THE ROLLS.

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——Here am I, in ARDEN more fool I,
would I were in a better place!

SHAKESPEARE.

NON CUICUNQUE DATUM EST, HABERE NASUM.

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HAPPY is it, that in our *serious* labours, there is such a character as his which is now our immediate purpose to pursue.—It acts as a viatory resting-place, where it is not only *allowable* to relax, but, without which, the wearied spirits would not find themselves sufficient to sustain the incessant fatigues of so tedious a journey.

SIR RICHARD PEPPER ARDEN, owes his birth, ſpeaking in the language of ancient days, to a reſpectable YEOMAN of the county of *York*, where the *family name* and the *family ſeat* will, moſt probably, be remembered to a diſtant date, both alike reſting upon a very broad foundation. The *weighty* eſtate annexed, will aſſuredly maintain the *laſt* recollection, and the owner of that eſtate has taken the beſt poſſible means, and not unſucceſsfully, to keep alive the *former*. LADY ARDEN's endeavours ſhould likewiſe be recorded, as anxious, in a *ſecondary* degree, to aid the permanent eſtabliſhment of ſo illuſtrious a family.

SIR RICHARD PEPPER ARDEN, after an ordinary Education in an ordinary Yorkſhire ſchool, was entered, by the pious care of his father, at *Trinity College*, *Cambridge*; where his *convivial* talents have left behind them an impreſſion infinitely more durable in academic tablets, than more uſeful and valuable

valuable accomplishments. The *True Blue Club* was accustomed to observe him as its chief ornament, and first support. "*Præsidium, et dulce decus.*"

The last revision of the *restrictions*, which this old and respectable society thought proper to place upon her fellows, was principally made, under the direction of Mr. ARDEN,—who, while he was forming statutes, for binding so confined a circle, probably had little thoughts that he would afterwards be engaged in framing laws for a mighty empire. Perhaps too, it were safer had he and his friends contented themselves, to see his abilities exerted in a sphere, where they were so early and happily distinguished.—But to return to the path from which we have involuntarily deviated.

From the *temporary* embraces of ALMA MATER our *recreant knight* threw himself, at once, into the *fast arms* of the *law*: on whose

whose constant, though hard bosom, he has ever since, uninterruptedly rested.——He was called to the bar from the *Middle Temple*, and, for a certain time, remained in a privacy, from which his warmest partizans never once dreamt that he would, in later periods, so luckily emerge. At the seasons we are speaking of, Mr. Arden was much more noted for *having* than *not having* a brief. His practice was confined to the Court of Chancery, and was exceedingly limited and inconsiderable even as a draftsman.

Naturally inclined to social life, the perpetual solitude to which SIR PEPPER was opposed, could not but be an affliction to a mind tempered like his. He therefore, with all reasonable and prudential dispatch, sought a constant companion, and made that companion as inseparable as a wife. Notwithstanding this little slip of his morality, he not long afterwards contrived to obtain the hand of a woman of fortune

and

and diſtinction. The Lady he married, is a daughter of Mr. RICHARD WILBRAHAM BOOTLE, a gentleman of conſiderable eſtate in *Cheſhire*, and no leſs intereſt in the Houſe of Commons, of which he is an *honorary* member.

Men are very apt, in the *deſperate* leap of *matrimony*, to expoſe themſelves to the taunts of their puerile friends, who have *not*, like them, ſummoned courage enough to take ſo bold a reſolution. Sir PEPPER eſcaped not, on his marriage, the uſual allotment of good-natured raillery, from which he whimſically and dextrouſly releaſed himſelf, ſportively obſerving, that gentlemen might ſay what they pleaſed, he was perfectly ſatisfied with his *new* ſtate; for if his immediate views at the *bar* were not much mended by his altered life, his *chamber* practice would be much more conſiderable. This although ſaid, and probably meant, in *jeſt*, turned out to be literally *fact*; for, from his own and acquired

acquired connections, he was brought instantly into legal light, and very shortly lifted into the important office of *Attorney General.*

On the appointment of Lord KENYON to the *Chief Justiceship* of the *King's Bench*, by one Chancellor, Sir PEPPER was secured in the *Mastership of the Rolls* by another, "*sed longo proximus intervallo.*" They who recollect the circumstances that attended this nomination, are not, at the same time, unacquainted with the weight of differences that so long raged between the two Chancellors previous to the dernier adjustment of it. Sir PEPPER, in the interim, was *bandied* from the *Chancery* to the *Exchequer*, and from the *Exchequer* again to *Chancery* in a very pitiable suspense; but was at length confirmed in the appointment notoriously in the teeth of an authority which had often been disputed, but never before vanquished.

In

In his present *official* capacity, Sir RICHARD PEPPER ARDEN has had little opportunity of distinguishing himself; for the *Master of the Rolls* is no longer considered as a legal *purveyor* for the *Lord Chancellor*. The cause of objection that existed before his election to office has not yet, nor, in the general opinion, ever can be removed. It was not any political contention that barred the pathway of Sir PEPPER to the *Rolls*, Mr. PITT's right of interference in law-distributions being never argued. Not the *appointment*, but the *appointed*, was the object of resistance. In the *Chancellor*'s absence from the court we have, therefore, never been surprised, that Mr. Justice BULLER should have uniformly filled the temporary seat; which speaks, as plainly as actions *can*, the sentiments of the first law authority in this country, respecting the abilities of the *Master of the Rolls* now being. The *Chancellor*'s saying to Mr. PITT on the *question* of *merit*, not on the *merit* of the *question*, was

was as ſtrong as uſual, "I care not," ſaid he, "*whom* the devil you appoint, ſo you "do not appoint *one*, who, inſtead of "lightening *my* burthen, will heave ye "*his own* damn'd wallet upon my ſhoul-"ders."

Sir PEPPER, however, had ſome qualities, which ſeldom fail to recommend themſelves to miniſterial favour and protection. In his political harangues he is never diſappointed of a certain number of hearers, who ſubſcribe to his opinions as implicitly and as tamely, as to the law of the land. No leſs than *ſix* votes in the *Houſe* of *Commons* are reported to be at his beck. As a ſenatorial ſpeaker, he is little eſteemed beyond the *aye* and the *negation* that he may alternately announce.

The private life of Sir RICHARD PEPPER ARDEN is, in every reſpect, harmleſs and irreproachable. As a converſationiſt, he is thought to ſtand almoſt beyond competition;

petitions; and with ſome, ſtrange as it may appear, he is reckoned a wit.* As a *member* of the *Cabinet*, they who introduced him, ſhould beſt know the purpoſes that he was there deſigned to fulfil. *Momus*, we are told, was often called in, by the Celeſtials, to quell the frequent tumults of their debates; and we do not apprehend that our terreſtial councils are much more harmonized than thoſe in the upper regions.

* "*And, ſtrange to tell! in nature's ſpite provoke*
"*Hot* ARDEN *once to blunder on a joke.*"

The miracle of a jeſt from Sir RICHARD PEPPER happened on the occaſion of ſome reſolutions having paſſed between the hours of *ſix* and *ſeven* in the morning, for which reaſon the then Attorney General (now Sir Richard Pepper Arden, Maſter of the Rolls) facetiouſly contended, "That they were entitled to no reſpect, as the Houſe "was then at SIXES and SEVENS."—Any approximation to wit in debate being perfectly unuſual with this gentleman, however entertaining his friends may think him in private, the ingenious Author of "*Critiſcims on the Rolliad*," very properly diſtinguiſhes this memorable attempt by the ſame kind of admiration with which poets commonly

monly mention ſome great prodigy, as for inſtance of a cow's ſpeaking

——— PECUDESQUE LOCUTÆ
INFANDUM.

We hope none of our readers will attribute to us the moſt diſtant intention of any invidious compariſon.

THE RIGHT HONOURABLE

# *LORD KENYON,*

CHIEF JUSTICE of the COURT of KING'S BENCH.

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——Labor, *omnia vincit*
*Improbus.*

VIRGIL.

——*Animum rege; qui nisi paret,*
*Imperat, hunc frænis, hunc tu compesce catena.*

HORACE.

Rude am I, of speech.

SHAKSPEARE.

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LORD KENYON is *another*, among numerous instances, to prove almost the *certainty* of a *certain* degree of legal knowledge leading to the highest honours and emoluments of the state.—His Lordship's abilities, *merely* as a lawyer, are generally

nerally admitted; and we readily ſubſcribe to an acknowledgment of great application and unbiaſſed integrity.—But *here* his Lordſhip's moſt partial panegyriſt muſt be content to reſt his portion of praiſe. He will ſcarce be placed in the ſame order of beings with his great predeceſſor;—no one will ſay of him

"Sequiturque patrem paſſibus æquis."

To borrow an expreſſion of Lord BOLINGBROKE, "the compariſon would be *profaning* the tombs of the dead,* to raiſe an altar to the living."

LORD KENYON muſt, *comparatively* with the great EARL MANSFIELD, hold a *very inferior* ſtation in the temple of Fame.

The lawyers of the Roman ſtate ſeem to have been a people of very little importance, detached from their conſideration as orators: perhaps the ableſt of them ranked lower in public opinion than our common

* Lord Mansfield may be accounted civilly dead.

common attornies *here*. TULLY seems to have thought lightly of them: and we may judge of the degree of estimation such a character as KENYON would have held in the Roman state.—The case is, however, exactly the *reverse* in England:—the law is here the *paramount* profession, to which every thing is referred for decision. It is *now* what the church *was* formerly. The ancient feodal system has interwoven into its texture such a mass of abstruse learning, and branched out doubts and difficulties into such numerous sub-divisions—the increase of commerce among a people greedy of opulence and power, but jealous of their liberties and rights, guarded by gigantic folios, under the denomination of acts of parliament, involved in endless contradictions and superinduced innovations—*all these* have together extended it's fibres almost to infinity, so that the professors can alone comprehend them; and they are become, even to the *Professors*, a wilderness. They vegetate in the *rankness* of our legislative soil

in

in a wild luxuriance (apparently without order or connection), that threatens to exclude *all* light, and make this wilderness impenetrable, from its density and darkness. If a few salutary herbs take root, they are so choaked by the exuberance of the surrounding foliage, so shaded, so obscured, as almost to render them totally inaccessible.

The *Being* whose habits of life enable him to *grope* his way through such a maze, becomes an important character in our courts, and is, in consequence, elected into our senates, and from thence promoted to the justice-seat. He often finds his way without the aid of the lynx's eye; *that* of the mole is, perhaps, better adapted to an atmosphere, where the most *sombre* gloom pervades every step of his progress.

LORD KENYON was bred under an *attorney,

* His Lordship was *born* at Gredington, in Flintshire, North Wales, from whence the title of his barony is taken.

He

torney, from whose desk he was translated to that of a law agent in town, and was ever distinguished for unwearied attention in the pursuit of his studies.—Such an education, though warranted by some great and successful examples, may naturally be supposed to have damped an imagination not at all remarkable for its brilliancy; but it probably induced that habit of labour and attention which he has retained through life, and to which he must have been, in a great measure, indebted for his present exalted station.

Lord Kenyon was, soon after his emancipation from the desk, entered of the *Middle Temple*, from which honourable society he was called to the bar.

Constant application will blunt the keenest edge, and tire the most eager spirit; but

He was an articled clerk to Mr. Joe Tomkinson, of Nampwich, in Cheshire, a very eminent attorney, still living.

but his Lordſhip, during the courſe of many years vaſt practice, ſeemed an exception to this very natural poſition.—His chief practice was in the court of Chancery, and, for many years, his chief buſineſs that of a draughtſman; in which, and in his opinions, he was conſidered acute, accurate, and able; but when occaſion called him into court to ſupport theſe opinions and pleadings, although he never failed to diſplay a profuſion of law learning, and that moſt judicially applied, yet his manner was ungraceful—his language uncouth, awkward, unharmonized—and his method and arrangement of facts, generally confuſed and ill-digeſted.

His Lordſhip poſſeſſes all the warmth and vehemence of his country; and is eaſily provoked to paſſion—a circumſtance little calculated to conceal his oratorical defects. He is in the habit of hurrying his words ſo diſagreeably together, that his articulation is not only indiſtinct, but

ſometimes

ſometimes totally unintelligible. He liſps, heſitates, and occaſionally ſtammers, ſo as, for a conſiderable pauſe, to ſuſpend all apparent poſſibility of utterance. Yet, under all theſe defects (inſuperable as they might be imagined), ſuch was his weight with the court he addreſſed as a counſel, that he was not only heard with patience, but with attention and reſpect.

His profeſſional Eminence introduced him to the high poſt of *Attorney General*, and, in conſequence, to a ſeat in the Houſe of Commons,* where he was ſtill the *mere lawyer*, had the *ſame* habits, the *ſame* defects; but rendered more conſpicuous by being diſplayed on a theatre leſs calculated for the exertion of his talents in that ſcience in which he could *alone* excel.

His

* He ſtood candidate for *Flintſhire*, againſt Sir ROBERT MOSTYN, the preſent member, and loſt it, as it is ſaid, from the influence of the Dean of *St. Aſaph*.

His Lordſhip held, at the ſame time, the office of *Chief Juſtice* of *Cheſter*, to which he was appointed on the death of Mr. MORTON.

Fortune, it is obſerved, is generally ſparing, or bountiful in *extremes* in the diſtribution of her favours.——The *Maſterſhip* of the *Rolls* next awaited his acceptance; in which office, however, he ſat ſo ſhort a time, that little can be ſaid of him *officially*; but his Lordſhip was, beyond all doubt, *peculiarly* qualified for that important ſtation.

His early and continued habits of intimacy *with*, in conſequence of profeſſional ſervices rendered *to* the preſent *Lord Chancellor*, was no inconſiderable aid to his elevation in the Court of King's Bench.* It is well known, the great

* The late Sir THOMAS DAVENPORT, then Mr. DAVENPORT, had been in habits of intimacy with this great

great Earl who left his ſeat was deſirous of ſeeing *another* in the poſſeſſion of it; but that power which could *once* command *every* thing, was too much in the *wane* to give effect to it's wiſhes.

The high poſt his Lordſhip holds, is certainly the beſt of all others (unleſs indeed that of the *Maſter of the Rolls*, for his political and oratorical talents would render him but a ſorry *Chancellor)* calculated for the diſplay of his talents; as he can there give them full exerciſe *in the way* they have been invariably and ſtrenuouſly applied.

When

great man, and had flattered himſelf with the hopes of ſucceeding to the firſt valuable appointment in his power to confer; but ſeveral good things paſſing by, the patience and temper of Mr. Davenport were loſt. The Chief Juſticeſhip of *Cheſter* becoming vacant, he thus ſhortly wrote to the Chancellor: "The Chief Juſticeſhip "of Cheſter is vacant. Am I to have it?" To which the following laconic and emphatic anſwer was returned: "No, BY GOD! KENYON SHALL HAVE IT."

When occasion calls his Lordship into the House of Lords on any important debate, where his *Nisi Prius* knowledge cannot avail him, *oh! what a falling off is there!* The *Chancellor*'s black brow lowers tremendous, and he is obliged to interpose the *Achillean Shield* for his protection.

Lord KENYON bears the same comparison with the present *Chancellor*, that COKE did to BACON; but let it be remembered, that there is an *almost infinite distance* between *both* these law Nobles, and the illustrious Names PROPHANED by the comparison.

THE

THE HONOURABLE

# *Sir FRANCIS BULLER, Bart.*

*One of the JUDGES of the COURT of KINGS BENCH.*

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"Our city's institutions, and the terms
Of common justice, y'are as pregnant in,
As art and practice hath enriched any
That we remember.——"

Shakspeare's Measure for Measure.

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THE great and learned JUDGE BULLER was admitted of the *Inner Temple* on the 8th of February, 1763, and called to the bar after the usual period of *probation*, from the honourable society of the *Middle Temple*, from the same society he was also made a *serjeant*, and, almost immediately after,

after, promoted to the rank of a *judge* of the *Court* of *King's Bench*.

This is the age of *young men*—we now ſee men *born* ſtateſmen and lawyers. They are tranſlated almoſt from the cradle to the government of kingdoms, and to *preſidency* in legiſlation. In former times, none but men advanced in years were permitted to aſſume the dignity of the coif, or to aſcend the magiſterial bench: a period indeed, *beyond the bloom of manhood*, cuſtomarily elapſed before their "*call to the bar*." In the inſtance before us, we ſee a judge eminently qualified for the ſtation he fills, almoſt in the *bloom of youth*.

Mr. BULLER's firſt *entré* into the profeſſion, was in the department of *ſpecial pleading*. He ſtudied under the preſent Judge, then Mr. ASHHURST, and, like DEMOSTHENES, excelled his maſter,* and was always ranked amongſt the moſt eminent

* ISÆUS was the preceptor of the great Athenian orator.

eminent of the profeſſion. His acceſſion to buſineſs, as a common law draughtſman, was immediate and immenſe; his practice as a barriſter was alſo, at firſt, conſiderable, and, in an extremely ſhort period, became equal to that of the very firſt-rate lawyers.

In all that part of practice, which puſhes a cauſe out of its regular courſe, and forms the great buſineſs of the TERM, he had no equal; in every motion of conſequence, or ſpecial argument, he was always engaged either for the plaintiff or defendant; and here Mr. BULLER was perfectly at home.

Nature deſigned him for a lawyer, and he wiſely purſued her bias; for very early in life he ſeems to have *entered into a recognizance*, to talk and think of nothing but law; his knowledge of *practice and caſes*, left him without a competitor. He reſembles the Roman lawyer SULPITIUS,* and

* SULPITIUS, the great Roman lawyer, is ſaid to have left behind him one hundred and fourſcore volumes on law

and certainly is the COKE of the present age.

His *Nisi Prius* practice was, indeed, *comparatively* inconsiderable. The fact is, Mr. BULLER had little success in his address to the passions, and could not therefore be eminent in his appeal to a Jury. However *shrewdly* he cross-examined; however *pertinently* he pointed his remarks; however *sagacious* he might be in the arrangement and management of a cause (from a want, probably, of directing his attention to the embellishments of oratory) he was by no means, *happy* as an advocate, his advocatorial address rather conveyed the idea of *barking* than speaking; but excellence does not erect her banner in every region of the mind; he sought and *found* fame in the *recesses* of law learning; and therefore we are not to be surprised, if he was deficient in those more showy accomplishments,

law subjects, of his own compiling. It is extremely probable that Mr. BULLER's manuscript collections are considerably of a larger bulk, and of a similar nature.

compliſhments, which were little, or not at all, objects of his choice or attention.

If ſpecial pleading has any *ſun-beams*, many *others* have been lighted up by *his*. The aſtoniſhing ſucceſs of JUDGE BULLER, introduced the *faſhion* of making the ſtudy of that *ſcience* (if it ought to be dignified by that name) an introduction to the profeſſion.

The eloquence of *magiſtracy* is of a far different kind from that of the advocate; and the ſpeeches of this very learned judge from the *Bench*, certainly approach as near perfection as modern example reaches; it is a model for imitation.

He poſſeſſes great quickneſs of perception; ſees the conſequences of a fact, and the drift of an argument at its firſt opening, and can immediately reply to an unforeſeen objection; though, perhaps, it may be ſometimes ſuſpected that his perception is *too quick*; it has certainly expoſed him in

in ſome inſtances to the *charge* (whether true or falſe) of impatience and petulance, very indecorous in the character of a judge; it is not enough that the magiſtrate on the bench ſhould perceive the truth or fallacy of an argument; it is his duty to proceed with the moſt cautious deliberation, 'till, from the arguments of the pleader, or the reſult of evidence, he has drawn forth the cleareſt demonſtrations that the caſe poſſibly admits, and eſtabliſhed conviction, by the patient exertion of argumentative reaſon.

It is the *general*, as it is the *juſt* profeſſional character of this great lawyer, that he ſtates his arguments with the utmoſt accuracy and preciſion, reaſoning logically, and in a ſtyle, which may be deemed the true eloquence of law. Like his preſent Chief, he was not calculated to puſh his way in parliamentary campaigns; but his conſummate knowledge rendered him an important acquiſition to the Bench. He was the youngeſt

youngeſt Engliſh Judge ever promoted to that rank; and, growing up, under the *Cedar* * of knowledge and eloquence, may juſtly now be conſidered as one of its greateſt ornaments.

Mr. JUSTICE BULLER, if we conſider the TRAITS by which his judicial conduct has been ſtrongly marked, ſeems to poſſeſs the greateſt inflexibility of ſentiment and opinion.† Like HOLT, he is too ſtaunch and too ſyſtematic a Lawyer to ſuffer the ſtubborn and general principles of LAW to give way, *in any inſtance*, to the milder inferences of EQUITY. It cannot, however, be denied or concealed, that the calmneſs of his temper, and the deliberate firmneſs of his conduct, has *not in every inſtance* kept pace with the inflexibility of his judgment, and tenacious adherence to general maxims.

* Lord MANSFIELD.

† SEE his charge to the jury in DONNELLAN's caſe, AND His memorable opinion, of the RIGHT of the huſband over the wife, to the exerciſe of the *thumb-ſtick*.

maxims. A ſtriking proof of this was exhibited at the famous trial of the Dean of St. Aſaph, when, after puſhing his oppoſition to Mr. Erſkine, even to *threats* and *commands*, he yet ſuffered him to ſet his authority at open defiance, and *proceed in the interrogation, to which he had ſo ſtrenuouſly objected.*

The anecdote being remarkable, and eminently calculated to illuſtrate this part of the Judge's character, it may not be improper to relate it.

Mr. ERSKINE put a queſtion to the Jury, relative to the meaning of their verdict; Mr. Juſtice BULLER objected to its propriety. The counſel reiterated his queſtion, and perſiſted in demanding an anſwer; the Judge again interpoſed his authority in theſe emphatic words: "Sit down, Mr. "Erſkine; know your duty, or I ſhall "be obliged to make you know it."—— Mr. Erſkine, with equal warmth, replied: "I know

" I know *my* duty as well as your Lord-
" ſhip knows *your* duty. I ſtand here as
" the advocate of a fellow-citizen, and *I*
" *will not ſit down.*" The JUDGE was ſilent, and the ADVOCATE perſiſted in his queſtion.

Who was *legally* right, is not intended to be here diſcuſſed; ſince this book treats of the characters of Judges, not of the maxims of law. But it muſt readily be allowed, that to proceed to threats, which either he could not, or he was not inclined to carry into execution, was, in ſome reſpect, derogatory from that dignity which the repreſentative of Majeſty and Juſtice ought carefully to ſuſtain.

THE HONOURABLE

# *Sir* NASH GROSE, *Kt.*

One of the *JUDGES* of the Court of *KING's BENCH.*

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LARGA QUIDEM, SEMPER TIBI COPIA FANDI.

*Judice te, non sordidus auctor*
*Naturæ, verique.*——

HOR.

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SIR NASH GROSE, son of EDWARD GROSE, Esq. of the city of London, was admitted of Lincoln's-Inn in Trinity term 1756, called to the bar in Michaelmas term 1766, made a Serjeant in Easter term 1774, and a Judge in Hilary term 1787; when his Majesty conferred upon him the honour of Knighthood.

In Governments constituted like ours, Elevated Situations are seldom reached, but

 by

by men of great abilities (if we except the common appendages of Titled Rank) and of all the ways that are open to the reception of active Genius in the Temple of Fame and Fortune, the Law is beyond all comparison the most certain. Honours are obtained in the Army and Navy only by desperate, toilsome and tedious Atchievements, which meet a *very uncertain*, and generally a *very late* reward. Pre-eminence in Literature and the Arts, afford a still more precarious recompence, nor can the professors of *Physic*, or even the disciples of the *Church*, stand in any degree of competition with the much favoured *sons of litigation*. Like *vultures*, THESE are ennobled, from being alike armed with the most deadly weapons of terror and destruction.

Professional ability, we believe, *alone* raised Mr. GROSE to the Bench, who, in the course of twenty years practice, established a professional Character equally eminent and amiable;—his share of business was, conse-

consequently, extensive.* He was considered a sound lawyer; and after GLYNN took the lead in the Court of Common Pleas, he was also an excellent nisi prius advocate; which is the more remarkable, from the circumstance of his having swelled the list of *special pleaders*; of whom it is notorious that very few are tolerable speakers. The paucity of exceptions serves only to confirm this as a rule.

The greatest and most laborious Naturalists, in their description of animal creation, are obliged to leave numerous subjects unnamed, and imperfectly described, that can only be classed under the general title of "NON-DESCRIPTS." Of this indefinite class is the SPECIAL PLEADER, whose existence cannot be *naturally* accounted for,

as

* If this learned Judge should be ever created a Peer, his *arms* will have JOHN DOE and RICHARD ROE for *supporters*; and his motto, "ABSQUE HOC, HOC!"

as Heaven could design these orders of Beings for no possible purpose of convenience or utility. We are told, indeed, that the wisdom of the Deity has created nothing *in vain*: The *Crocodile* and the *Tyger*, it is true, may exist as *admonitory cautions* against treachery and cruelty:—the *special pleader's* existence may be intended by Divine wisdom for similar purposes, with this additional advantage, that nothing is better calculated strongly to inculcate the Christian virtue of *patience* in both *agent* and *patient*.

A *special pleader* appears to be of the *spider* kind;—they alike spin their web for the destruction of weak and unwary prey; one murders the little innocent fly that flutters in the sunshine, the other *strangles* justice in his nets of form; both are equally pernicious and poisonous.*

TULLY,

* See BURNETT's Life of Lord HALE, page 4;—also the address in parliament against special pleading, 3 Geo. II.—Journals of the House of Commons, 11th of February 1730; and afterwards in the same session.

Lord

TULLY, that terreſtrial God of literature, ſeems to have known ſomething of theſe ſort

Lord MANSFIELD was an avowed enemy to ſpecial pleading; or, perhaps, more correctly ſpeaking, *to Special Pleaders*; but it is only fair to acknowledge, that *another very great man* is a warm advocate for it,—Sir WILLIAM JONES, in his prefatory diſcourſe to the tranſlation of Iſæus, thus expreſſes himſelf: "I ſhall not eaſily be induced to wiſh for a change of our preſent forms, how intricate ſoever they may ſeem to thoſe who are ignorant of their utility. Our ſcience of ſpecial pleading is an excellent logic, it is admirably calculated for the purpoſe of analyſing a cauſe, of extracting, like the roots of an equation, the true points in diſpute, and referring them, with all imaginable ſimplicity, to the court or jury; it is reducible to the ſtricteſt rules of pure dialectic; and if it were ſcientifically taught in our public ſeminaries of learning, would fix the attention, give a habit of reaſoning cloſely, quicken the apprehenſion, and invigorate the underſtanding, as effectually as the famed peripatetic ſyſtem; which, however ingenious and ſubtle, is not ſo honourable, laudable, or profitable, as the ſcience in which LITTLETON exhorts his ſons to employ their courage and care. It may unqueſtionably be perverted to very bad purpoſes; but ſo may the nobleſt arts, and even eloquence itſelf, which many virtuous men have for that reaſon denied; there is no fear, however, that either the *contracted fiſt*, as ZENO uſed to call it, or the *expanded palm*, can do any real miſchief, while their blows are directed and reſtrained by the ſuperintending power of a court."

ſort of men, and he thus deſcribes them :— *Leguleius quidam cautus et acutus*, præco *actionum*, cantor *formularum*, auceps *ſyllabarum*.

This deſcription anſwers to nothing in or out of nature, but a *ſpecial pleader*.

THE HONOURABLE

# *Sir WILLIAM HENRY ASHURST, Kt.*

One of the *JUDGES* of the *COURT* of *KING's BENCH*.

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—Why, he ſtalks up and down like a peacock, bites his lip with a politic regard, as who ſhould ſay, *there were wit in his head*; and ſo there is, but it lies as *coldly* in him as fire in flint, which will not ſhew without knocking.

SHAKESPEARE.

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SIR WILLIAM HENRY ASHURST was admitted of the *Inner Temple* on the 19th of January 1750; was called to the bar on the 8th of February 1754, to the degree of Serjeant in Michaelmas Term 1770; and was almoſt immediately after preferred to the dignity of a Judge of the Court of King's Bench.

To

To a most benevolent heart, this learned Judge adds the polished manners of the Gentleman, and a degree of professional Erudition, that has ever placed him in the first rank of Westminster Hall.

*Oratory*, like *poetry*, has its several distinct classes. The *lyric* poet is not more widely different from the *epic*, than the *forensic* advocate from the *senatorial* orator. The idea of CICERO, that no man could be justly called an orator, unless he *united*, in the *highest* degree, the powers of INSTRUCTING, DELIGHTING, and MOVING *every* audience, on *every* subject, may be considered as the effusion of Rhetorical Quixotism; certain it is, that it implies a *variety* of character, and a *comprehension* of genius beyond all human attainment, even by minds the most gifted, and industry the most indefatigable. It belonged neither to DEMOSTHENES or TULLY in ancient times, nor to FOX of these. The man whom nature has not calculated to shine in a British senate, may, nevertheless,

nevertheleſs, be a conſpicuous, eminent, and ſucceſsful character, in our COURTS.

Mr. JUSTICE ASHURST is a man of liberal education and enlarged notions.—His language has no peculiar neatneſs or brilliancy, but it is perſpicuous, pointed, and clear. He reaſons logically, and knows well how to *winnow the chaff* of eloquence from argument and law; and the man of ſenſe and candour who ſtates his arguments with truth, conciſeneſs, and preciſion, and from thence draws the fair and natural deductions, will ever have more weight and influence in a court of Engliſh judicature, than any one can hope to arrive at, by the mere pomp and ſplendour of Grecian or of Roman Eloquence.

As the ſun burſts through the thickeſt clouds, ſome men diſcover their mental powers under every diſadvantage, and the Genius of the *Lawyer* was, in the preſent inſtance, ſeen to ſhine through the obſcure miſts of the draughtſman. Special pleaders

ers formerly furnîſhed only the language of courts, and, like Poets, planned the drama that others were to perform.—How much the caſe is now altered, and how ſucceſsfully this branch of ſtudy is now cultivated by thoſe who wiſh to ſhine in the moſt diſtinguiſhed departments of legal ſcience, both the Bar and Bench bear ample teſtimony,

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The *ſovereignty* of MANSFIELD in the court of King's Bench, was marked by *unanimity* of opinion amongſt the Judges. This court *may*, poſſibly, hereafter be diſtinguiſhed by the *oppoſite* extreme; and this balance of *opinion*, may ariſe from *a more equal balance of abilities*.

Men of enlightened minds, who have underſtanding enough to perceive a ſuperiority of capacity in a Cotemporary, and who have liberality ſufficient to regard it without envy, or diſcretion to ſhun an unequal competition, are, it is admitted, too

apt

apt to be easily convinced by his arguments, and to yield too implicitly to his opinions. But when the mind is free from any such bias, from the effects of awe and veneration, we see the judgments of men exerting themselves without prejudice, and may infer, from perfect freedom and independence of thinking, the *natural diversity* of opinion among mankind.

And *thus far* it may be deemed no great national misfortune, that the Bench is not at present dignified with any example of that *transcendant* Genius, which, removing every idea of rivalship, renders opposition of no avail: for when the most upright and enlightened character is *entirely* secured from the prying eye of contending adversaries, such is the natural fallibility of human nature, that he will sometimes deviate from the path of rectitude and propriety; if not, from the temptation to err, perhaps, from the too great *Confidence* inspired by feelings of conscious superiority, or

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an *indolence* of mind and temper, generated by the want of ſtimulus to exertion.

It has been obſerved, that when men adminiſter Juſtice in a court of common law, without being control'd by the ſtrictneſs of it's rules, they take on themſelves the office of legiſlation, and thereby controvert an eſtabliſhed maxim of free government. The diſtinction, or rather the ſeparation of the legiſlative power from the executive authority, is certainly what ought to be regarded with a moſt jealous eye; and every approximation towards breaking down the barrier which our anceſtors have ſo wiſely placed to ſeparate them, however ſpecious the pretext, ſhould be anxiouſly oppoſed: ſince reaſon muſt readily perceive, that ſuch a breach would form an immediate Inlet to Corruption, and ſince the hiſtory of Nations furniſhes us with ſufficient experience, that *ſuch* will inevitably be the effect.

Written

Written law *establishes* the rights both of Prince and People. It's certainty, and the determinate and invariable discriminations with which it is replete, not only mark the Boundaries between Right and Wrong, but preserves them inviolate, and diffuses general tranquillity by enabling us to judge with certainty, *when we stand within the limits of security*. However, therefore, we may admire the wisdom which established Courts of Equity to remedy those evils which the forms of common law could not reach; yet we must observe, that the utility of this precaution will not only be lost, when the modes of decision practised in Courts of Equity are adopted in courts of common law, but that this extension, to the general system of our jurisprudence, of those principles, which were only admitted for the remedy of particular defects, will *eventually*, by violating the settled rules of justice, instead of removing partial exceptions, annihilate the grand distinction between law and despotism, and leave us

us expoſed, if not to the oppreſſion, at leaſt to the INSECURITY of arbitrary dominion. HENCE might ariſe a ſource of conſolation for the loſs of MANSFIELD, that would permit us, with a kind of conſolatory reluctance, to wipe away the tear of Genius at his Removal, did we not ſee him ſucceeded by ONE educated in the *ſame* habits, and adopting the *ſame* rules of deciſion, though unaided by thoſe Rays of the Divinity, which had been long accuſtomed to illumine the Paths of legal difficulties, and conduct the Suitor by the ſafeſt and ſhorteſt road, to the Temple of Juſtice.

This faſhionable mode of *equitable deciſion*, is undoubtedly owing to the introduction of common law Judges, from among thoſe, who have been uſed to the Pleadings and Buſineſs of the Courts of Equity. Theſe courts being eſtabliſhed for the expreſs purpoſe of controling the rigour of the common law, it is natural for men who are bred in theſe forms, and

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tutored in these maxims, to retain their rules, and transplant their decisions into whatever situation they may be removed. The advantage to the subject has been *even hitherto* problematical, the *future* consequences are extremely to be dreaded. When the Court of King's Bench assumes legislation, the learned world may continue to witness and admire the Wisdom and Beauty of it's Decisions, *but the* PALLADIUM *of the British Constitution is removed, and liberty exists no longer.*

THE RIGHT HONOURABLE

# LORD LOUGHBOROUGH.

*CHIEF JUSTICE of the COMMON PLEAS.*

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*——Atque oculos paulum tellure morates*
*Sustulit at proceres, intentatoque resolvit*
*Ora sono.——*

OVID.

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THE life of LORD LOUGHBOROUGH, *minutely* delineated, would, in point both of variety and importance, take the lead of all biographical productions of the present day. His lordship has rendered himself conspicuous in such numerous and important scenes, that *our prescribed* limits will not ad-

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mit of more than an *outline*:——the difficulty of the task lies in *selection*.

He was educated for the *Scotch Bar*, at which he commenced his career as a pleader. In the course of his practice in that kingdom, having received an affront from the bench, he quitted it in disgust, and came to *England*, in a situation the very reverse of opulence.

His practice *here* was almost immediately considerable; and having been introduced into Parliament under the patronage of Lord Bute, the reputation he acquired by his oratorical exertions, in the memorable question that was agitated in the House of Commons against Lord *Clive*, placed him at the head of his profession, in the direct road to opulence and fame: with how much regularity and assiduity he *pursued* it, may be seen from his progressive stages to the high post his lordship now holds. His share of business was certainly much superior to that of his official competitor and leader,

leader, Lord Thurlow, to whom he was at least equal in ability, and superior in diligence.

His lordship was admitted of the *Inner Temple* the 8th of May 1753; called to the bar the 25th of November 1757, (when a king's counsel) admitted of *Lincoln's Inn*, Easter term 1763; made *Solicitor General*, Hilary term 1771; *Attorney General*, Trinity Term 1778; and *Chief Justice of the Common Pleas*, Trinity term 1780, when he was created a Peer by his present title.

The object of his Lordship's ambition seems to have been "*The Seals*." To these, his expectations were most ardently raised, and his habits of study and practice were regulated accordingly. Nor can it be disputed but that he is *eminently* qualified for the high office of Chancellor, in preference to the presidency of a court of common law. This indeed was intimated in the House of Commons, upon the very memo-

rable conteſt between his Lordſhip and Sir FLETCHER NORTON, for the Chief Juſticeſhip of the common pleas; a conteſt which reminded us of that between AJAX and ULYSSES for the ſhield of ACHILLES. It is unneceſſary to add, who moſt reſembled ULYSSES, both in ſucceſs and eloquence.

His firſt ſpeech, as a magiſtrate, was upon the occaſion of the *riots*, on the 10th of July 1780, when he delivered a *moſt eloquent* Charge to the grand jury convened upon the occaſion, in the great hall at St. Margaret's Hill. This Speech juſtly procured him the moſt elevated reputation for energy, impreſſion, and propriety of application to the unfortunate occaſion by which it was called forth, and added (if poſſible) to his fame as an orator.

Nor is this, by any means, the moſt diſtinguiſhed proof of his great oratorical abilities. His clear, emphatic, and unlaboured harangues, have *uniformly* conſpired

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to prove him alike calculated to ſhine in *deliberative* and *judicial* eloquence. In fact, he is perſuaſive alike in the ſenate and in the Courts; and it is but bare juſtice to ſay, that his lordſhip is the firſt ornament the profeſſion can boaſt, of the preſent day.

The character of his oratory, is that of being *clear*, *ſenſible*, *fluent*, *perſpicuous* and *inſinuating*,

He is the moſt plauſible, correct, methodical ſpeaker in either houſe (except Mr. PITT): his matter is always judiciouſly ſelected and well arranged, carrying with it an air of logical juſtneſs, and argumentative preciſion. He never rambles from his ſubject from a want of matter, or becomes diffuſe or tedious from a redundancy of words. His oratory is *uncommonly* chaſte, his pronunciation diſtinct, his emphaſis well placed, and his voice ſkillfully managed: he is fond of detail, and conveys it to his auditors in a clear, unem-

unembarrassed, comprehensive manner. His language is nervous, technical, pointed,—and he speaks with so much fluency (avoiding the extremes of rapid utterance and of hesitation, and absence of mind), that every thing he offers, seems to flow from a thorough knowledge of his subject, and the principles of self-conviction.

*The patriotism of a lawyer, is almost proverbially* PROBLEMATICAL.

His lordship was first introduced into parliament through the interest of Lord BUTE.

In 1766, he was in the political suite of the late Mr. GEO. GRENVILLE.

In 1768, he attracted the public attention in the affair of the *Middlesex Election*. His zeal was not confined to the HOUSE—it was *personal* throughout the kingdom.

On

On the death of Mr. GRENVILLE, he became the warmest advocate of Administration; and, for a period of twelve years, might be considered as the chief support of the *abominable* administration of Lord NORTH. To support a Minister by the resistance of *such* a siege, for such a period, against the *cannon* of FOX,* and certainly against all common reason and sense, is unquestionably a proof of CONSUMMATE ABILITIES.

But the capacious mind of Lord LOUGHBOROUGH is not confined to the talents of the advocate and the lawyer, nor does the fame of the promotion, consequent of his *forensic* attainments, bound the noble views of this great and elevated character. His judicial fame is but secondary to that

* The whole conduct of Administration, respecting the American war, has been justly reprobated by all men of every rank of understanding, in the strongest terms, that language can express.

SEE Review of Parliamentary Characters. 8vo. 1777.

that obtained by his parliamentary campaigns. The obſervation, That lawyers always retain their profeſſional habits, and ſeldom ſhine as ſenatorial orators, here meets a *ſecond* exception. His predominant genius can illumine the gloom of law, and give his ſpeeches a claſſical air and dreſs, that would not diſgrace the firſt productions of *Greece* and *Rome*.

He has more judgment than fancy; and is *caution itſelf*—guarded in every thing he ſays, and ready to ſeize every advantage that ariſes from the warmth of his antagoniſt. To the cleareſt head and moſt unclouded underſtanding, he adds correctneſs and method, and the deepeſt ſkill in the arts of debate. His great abilities have been improved by ſtill greater labour.

It is true, that his eloquence *ſeldom* reaches the heart, *but is always in his power*, when he chuſes to make exertions; and we have ſeen him, at times, poſſeſs the greateſt

greateſt ardour and moſt daring political heroiſm. His celebrated Philippic pronounced againſt Doctor FRANKLIN, before the Privy Council, is not, perhaps, ſurpaſſed by thoſe of DEMOSTHENES againſt PHILIP, or CICERO againſt ANTONY.

He poſſeſſed the powers of leading the Houſe of Commons. His ſpeeches on the motion made againſt Lord CLIVE; on the *Quebec Prohibitory*, and *Capture Bills*; and on the propriety of ſending his MAJESTY'S Electoral troops to garriſon *Gibraltar* and *Minorca*, are ALL ſtrong proofs of his oratorical proweſs.

He may be conſidered as the Chieftain of Oppoſition in the Houſe of Lords, where he is perhaps without an equal on either ſide.

## *Sir* HENRY GOULD, *Kt.*

*One of the* JUDGES *of the* COURT *of* COMMON PLEAS.

I am no orator, but a plain blunt man,
For I have neither wit nor words,
Action nor utterence, nor the power of speech
To stir mens' blood——I only speak right, on——
*Shakespeare's* JULIUS CÆSAR.

THE MEANS by which men are pushed into office without the recommendation of first-rate talents, would form a history equally interesting and entertaining; it would at the same time exhibit a spacious field

field for ſpeculation to the moral obſerver, and abundant opportunities for the exerciſe of ſatirical indignation.——The wiſdom and integrity, however, of Britiſh Judges, are very juſtly the boaſt of Britain and peculiarly the pride of the preſent Reign.

SIR HENRY GOULD, is the ſon and heir of Mr. DAVID GOULD, of *Sharpham Park*, in the county of *Somerſet*. He was admitted of the Honourable *Society* of the *Middle Temple*, the 16th of May, 1728; called to the Bar the 14th of June, 1734; made a Bencher the 3d of May, 1754; a Serjeant at Law in Michaelmas term, 1761; and ſhortly after, elevated to the rank of a Judge.

Mr. GOULD, while a Counſel, though not diſtinguiſhed for brilliancy of talents, or the gifts which conſtitute the orator, ranked very reſpectably in the profeſſion. Since his elevation to the judicial ſeat, his

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great experience has uniformly added weight to his opinions, and though his sentiments frequently stand opposed to those of his learned brethren, and sometimes SINGLY, yet they have always been supported with learning and sound arguments, and have been such as reflected equal honour on his head and heart.

As a *Counsel*, Mr. GOULD's business was considerable; but we believe, though much employed as a *Lawyer*, he was never eminent as an *Advocate*.—Speaking is not his talent—his arguments are more pleasing to the eye, than grateful to the ear—his tones are the reverse of harmony—and his voice is extremely faint and feeble. Action he has none; neither elegance nor energy. The Graces are out of the question.—

His language is the plain, unadorned style of common conversation; often defective

fective in purity and correctness, and always destitute of that warmth and variety, which characterise ardour of character and vigour of conception. His style is never glowing, keen, or rapid; it possesses no elevation of sentiment, or warmth of imagery; on the contrary, it is always tedious, circuitous and languid.——His talents are better calculated to lay siege to the understanding, than to *storm* a Jury.

Neither is the scholar to expect gratification from the best of his speeches. They have nothing classical in the composition; no researches into the antiquities of Attic or Roman legislation; no embellishment of argument by learned allusions, or illustrations from scientific research—he sticks close to ROLLE, LITTELTON, and COKE; and his just praise is, *that he is learned in the laws of his country, which he studies*

*with*

*with labour, and interprets with integrity, tempered by the most amiable of all virtues,* "HUMANITY."

The different *traits* in the characters of our eminent lawyers will, perhaps, be better understood, by a comparison with those of GREECE and ROME.

With us there are *Attornies*, *Proctors*, *Special Pleaders*, *Conveyancers*, and *Barristers*, the several *Branches* of whose Employments are respectively diversified; and nearly similar Varieties, in Rank and Avocation, seem to have existed among the Professors of law in ancient Rome.

In the early ages of the Roman senate, the ADVOCATES were not lawyers. These were succeeded by a set of men called CONITORES, who had great legal skill, and an intimate knowledge of the customs

and

and practice of the courts. They not only advised and assisted the pleaders or counsel, by their advice and information on points of law and practice, but were allowed to speak in the cause. These seem, in some respects, to have strongly resembled our *opening* or *assisting* counsel. They appeared soon after CNEIUS FLAVIUS published his book of *Appian Actions*, and the FORMULÆ in which they were drawn up.

At the same time appeared an *inferior* class of COGNITORES, called FORMULISTS, or practitioners, whose business was only to regulate the order of the process, and who neither understood the law, nor the spirit of it. *These gentlemen certainly bear some resemblanee to our attornies, &c.*

The *first* order of the COGNITORES were called PATRONS, and stood next in rank and consequence to the *Professed Orators*.

In

In this latter class it would not be difficult for Mr. Justice GOULD to find a parallel; he cannot support competition with such Characters as CICERO, HORTENSIUS or CÆSAR, ANTONY or PLINY, but to these illustrious Orators, a man of Mr. GOULD's attainments would have proved a useful, and perhaps a *necessary* auxiliary.

THE HONOURABLE

# *Sir* JOHN HEATH, *Knt.*

*One of the* JUDGES *of the* COURT *of* COMMON PLEAS.

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——— *Interiam, si*
*Aut valeo ſtare, aut novi civilia jura.*

HOR.

——— Oh! he's as tedious
As a tired horſe.—

———I am known to be humorous, and to love a drop of hot wine, without one drop of alloying *Tiber* in it.

SHAKESPEARE.

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THE preſent mode of *calling to the Bar*, carries with it a very *ludicrous* idea: let a man be ever ſo able, *one way only* is this branch of the profeſſion acceſſible, (namely)— by the *mouth*, and that, not by ſpeaking

but *eating*. A ſtranger to Legal Habits and Cuſtoms, would be almoſt led to ſuppoſe, that the ſeveral Cooks of the Societies poſſeſſed the ſame art that was in uſe amongſt the *Profeſſors of Laputa*, where every viand was impregnated with ſcience, ſo that *commons* and *caſes* were naturally to be digeſted together.—From him who is about to put on the Civic Gown, the following lines of Horace are not inapplicable :

*Luſiſti ſatis, ediſti ſatis, atque* BIBISTI,
*Tempus abire tibi eſt.*

The law in itſelf may not inaptly be conſidered as a *coy miſtreſs*, who is to be taken by *cold conſtancy*, rather than arreſted by an ardent attack.

The gentleman, of whom we are now ſpeaking, made his introductory bow in 1759, and, after having *ſighed* through a formulary interval of 16 years, was at length admitted,

mitted, in the moment of caprice, to the *last favours*.—In more serious language (and that which is better suited to the gravity of the Character attempted to be pourtrayed), Mr. Justice HEATH appears, from the books, to have been admitted of the *honourable* society of the *Inner Temple*, the 3d of May 1759; called to the bar the 25th of June 1762, to the degree of Serjeant at Law in Michaelmas Term 1775, and very soon after to have been made a Judge.—*So much for chronological precision.*

Arguing here, from EFFECTS to CAUSES, the skill of the closest Logician, or the most subtle Metaphysician, would be foiled in tracing the chain of combination, by which the one is consequently connected with the other; like *Aladin*'s splendid palace erected in the dark, whose statelinesS was less admired than the *invisible means* of it's sudden Elevation.

It has been (maliciouſly enough) ſaid, that Mr. Juſtice HEATH is indebted to his preſent honorary ſtation, more to his companionable talents, than to any very extraordinary legal acquirements; but a gentleman may ſurely be the aſſociate of a Chancellor, and owe to him his introduction to a high office, without its warranting an ill-natured inſinuation. The very diſtinction of ſuch a permitted intercourſe, is, in a certain meaſure, a teſtimony of abilities; for it could not be ſuppoſed ſo illuſtrious a character would admit to his intimacy an obſcure individual, who owned, in common with thouſands, an inſatiable paſſion for the grape, and the *coarſe* joys it is accuſtomed to inſpire. Such a ſuppoſition would be as injurious to the *patron* as the *client*.

Mr. Juſtice HEATH, though confeſſedly not favoured in any eminent degree by nature, has however not neglected to avail himſelf of what is in every man's own power, independent of *original* deficiencies.

The

The candid mind must necessarily allow him no inconsiderable store of legal learning, patiently collected from the lengthened shelf, trembling under the ponderous pressure of voluminous reports.

Happy is it that there are peculiar provinces in the law suitable to the various capacities of it's almost innumerable professors; so that, he who is not exactly formed for the activity of practical pleading, may be singly provided for in domestic ease, by emoluments arising from confidential consultations in the chamber.

Mr. Heath, as a draughtsman in equity, acquired some reputation.

His *judicial* character is free from imputation; and if his decisions have been few and not very important, they have never been disapproved. If the mere discharge of the duties, coupled with the important office which he is appointed to fill,

be

be the ſum of what is required of a Britiſh Judge, Mr. Juſtice HEATH is not only an unexceptionable, but a reputable Delegate of his important Truſt.

THE HONOURABLE

# *Sir* JOHN WILSON, *Kt.*

*One of the JUDGES of the COURT of COMMON PLEAS.*

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——— " *At est bonus, ut melior vir,*
*Non alius quisquam ; at tibi amicus, at* ingenium ingens,
Inculto *latet hoc sub corpore* ———."

HOR.

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SIR JOHN WILSON, is the only son of JOHN WILSON, late of *Howe*, near *Kendal*, in the county of *Westmoreland*, and was admitted of the honourable *Society* of the *Middle Temple* the 22d of Jan. 1763; called to the Bar the 7th of Feb. 1766; appointed King's Counsel the 24th of April 1782; made a *Bencher* of the above Society the 10th of May in the same year; a *Serjeant* the 6th of Nov. 1786; and soon after a *Judge* of the Court of Common Pleas.

A por-

A Portrait, greatly defective in Elegance, and all the delicate touches of the maſterly pencil, may yet exhibit the ſtriking and prominent features of a face; and ſuch Portraits are often very highly eſteemed. The Delineation of Character may be conducted in a ſimilar manner. The moſt conſpicuous, which are generally the leaſt commendable parts of a character, may be ſo exhibited, that every one would immediately know the original, and yet, perhaps, the better informed judgment would diſcover, that all the finer and more amiable traits, in which the heart and judgment of the man are more truly and immediately expreſſed, are entire.

The former of theſe ſpecies of portraiture ought never to be tolerated in the artiſt, and the latter ſhould never be attempted by the man of letters, except in ſuch inſtances where the preponderance of what is groſs or defective, is ſo great as to overwhelm the better endowments from the

clear

clear eye of discernment. Mr. JUSTICE WILSON merits to be delienated in a very different manner, and we shall accordingly endeavour, in the following draught, to trace the finer discriminations, as well as the coarser features.

As a Lawyer, he stands very high in popular opinion. His great knowledge was *alone* his introduction to the Bench; and no man of the profession is held in superior estimation, either on account of professional abilities, amiableness of manners, or benevolence of heart. He is one of those rare and respectable characters, upon whom the genial gale of penegyric can blow in security, without the remotest danger from the shrinking blast of malevolence and censure, his NAME is equivalent to Respectability and Reverence, and meets regard equally in public station and private society.

Sir

Sir JOHN WILSON was never, we believe, in parliament, and indeed offers no ground for obſervation as a *political* character. He forced his way in life by dint of application, and the patient exerciſe of his talents in profeſſional purſuits.

As a *Speaker*, it muſt be confeſſed he has little claim to notice. Action, he has none —his voice is hoarſe and diſſonant—his pronunciation thick and indiſtinct—his language is neither of the kind calculated to animate and tranſport, or to conciliate or impoſe!—but it is ſuch, as clearly to ſtate the meaning of the ſpeaker, and conſequently to give the force and ſubtlety of his arguments a degree of weight.

While at the Bar, his expreſſions were uniformly ſuch as ſtrongly marked the great deference and reſpect he thought due to the tribunal he addreſſed.

His

His mode of *delivery*, far from assisting, njurious to his language. It is cold, ruid, nerveless, always monotonous, and n drawling and heavy. It oppresses the with a leaden weight, which even ele- ce of style, and vivacity of Imagination which he has no pretensions), would nadequate to remove.

n *argument* he is close, connected, and clusive; and, indeed, Sir JOHN WIL- ought rather to be considered as a *sen-* SPEAKER, than as an ORATOR; be- equal to the task of informing the un- standing, though unable to move and uence the passions.

He never wantons in the desultory ex- sions of fancy, or suffers himself to be erted from the point in debate by the meteors

meteors of Imagination. He is fond of legal ſubtleties and diſtinctions. Indeed, the arguments ſuggeſted by, and the language that naturally ariſes from ſuch diſcuſſions, as *The obſtruction of ancient window-lights*, AND *The diverſion of a water-courſe*, afford little ſcope to genius, or ſeldom offer, even to the greateſt Orator, opportunities of diſplaying the flowing richneſs and variegated powers of Eloquence; and *upon ſuch ground*, even DEMOSTHENES himſelf would, perhaps, have been inferior to Sir JOHN WILSON. The generality of profeſſional queſtions ſeem rather to require a certain degree of ſubtlety and ſagacity, than the brilliancy of Fancy or the arts of Eloquence.

As a *Counſel*, he was always heard with attention; as a *Judge*, he *commands* it. In giving a law-opinion, or in addreſſing a Jury from the Bench, his *diſcrimination* is acute,

ute, correct, and ingenious; his learning
eat, and displayed by an arrangement
ear, regular, and methodical; digested
ith judgment, and applied with propri-
y,—from its justness securing assent, and
rrying conviction from its force.

THE HONOURABLE

# *Sir JAMES EYRE, Knt:*

*LORD CHIEF BARON of the Court of EXCHEQUER.*

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The gentleman is learned; a moſt rare ſpeaker,
To nature none more bound, his training ſuch,
That he may furniſh and inſtruct great Teachers,
And never ſeek aid *out* of himſelf.

SHAKESPEARE'S HEN. VIII.

He ſits amongſt men like a deſcended god;
He hath a kind of honor ſets him off—
More than a mortal ſeeming.

CYMBELINE.

---

THE ſtudy of the law is one of the nobleſt purſuits of the human mind, and has been held in the higheſt eſtimation by the greateſt men of almoſt every age and of every civilized country. If it has any

where *pre-eminent ſuperiority*, it is in *this*, where we find men's ſituation and conſequence in ſociety, in a great meaſure regulated by the degree of their proficiency in it; other knowledge and other talents may conduce to render a man more companionable, more accompliſhed, more agreeable and polite, but, without this *eſſential attainment*, they will be found totally inefficient to the purpoſes of obtaining either Honors or Emolument.—It might be expected too, that a life devoted to the attainment of a ſcience ſo liberal, would be invariably free from the little prejudices and limited views of other men: that they would look to the Intereſts of their country, and of Individuals, with the eye of Philoſophy, and only regard them as conducive to the purpoſes of Morality and the general good. That this, however, is not always the rule of conduct to guide that formidable body of men denominated Lawyers—experience very feelingly tells us, and as forcibly evin-

ces,

ces, that, like *Churchmen*, they are little emulous either of Patriotiſm or Virtue—on the contrary,—To defend the Exceſſes of Authority, and palliate Violations of Liberty, are, too often, favourite objects both of the Profeſſors of the Law and Goſpel.

The Science of Law in it's nature, ſays BOLINGBROKE, the moſt noble and beneficial to mankind, is, in it's debaſement, the moſt ſordid and pernicious. There have been Lawyers that were Orators, Philoſophers, and Hiſtorians;—there have been CLARENDONS and BACONS, and notwithſtanding the venality of preſent times, and the too frequent proſtitution of profeſſional talents, there are ſtill to be found thoſe that reſemble them, who reflect honour on their country, and credit to their profeſſion. Of theſe, one of the moſt diſtinguiſhed is the Gentleman whoſe name ſtands prefixed to this imperfect ſketch.

Being very *ſcantily* ſupplied with Information and Anecdote relative to the preſent CHIEF BARON, and not chooſing to relate on the ſlight foundation of anonymous Report, a great and important Law Character muſt be confined to narrow and very unworthy limits.

Mr. EYRE was called to the Bar from the honourable Society of Gray's Inn, under the patronage of the late Lord Chief Baron PARKER, and very ſoon diſtinguiſhed himſelf as a man of ſuperior abilities, and ſuch as induced his promotion to the high and honourable ſituation of RECORDER of the City of London. He is one of thoſe very few who had prepared himſelf for the exerciſe of his profeſſion, by climbing up to the 'VANTAGE GROUND of ſcience, inſtead of groveling below, like too many profeſſional men, in the dirt of an Attorney's office, or a Special Pleader's deſk :—Liberal ſtudies, it has been very juſtly obſerved, by expanding the mind, and opening the receſſes of the heart, have a ſtrong tendency

to

to dictate a conduct that ſeldom pays the tax of cenſure. The truth of this obſervation is at leaſt verified in the inſtance before us.

As a *Counſel*, Mr. EYRE ſtood foremoſt in his profeſſion, at a time when the Bar was attended by the moſt eminent Names known in legal Biography. As a *Judge*, he is conſidered of equal learning and ability with any one that adorns the Bench. His ſtyle of ſpeaking is the true eloquence of Magiſtracy. He is nervous and learned, clear, ſenſible, and fluent.

It is an illiberal and wrong idea, that modern Times are ſtrangers to Eloquence; as the common Child of Freedom, and Knowledge, our Courts of Juſtice (though different from Athenian and Roman Judicatures), abound with examples of it's trueſt and moſt perfect models; and there is a certain dignity of manner and aſpect attendant upon the words of this learned Lawyer, that their impreſſions

are

are equally unrival'd and irreſiſtible. The *affected* Dignity, and *Aſſumption* of Veneration and Awe, that ſo emphatically characterize the preſent CHANCELLOR, ſit with a natural Grace upon the CHIEF BARON, and forcibly mark the diſtinction between the Dignity that is *real*, and that which is *aſſumed*. The ſhades of difference are ſtronger than exiſt between the *Brilliant* and the *Counterfeit*.

His Lordſhip is admitted to be an able Civilian,—a ſpecies of knowledge peculiarly adapted to the Court in which he preſides; but we believe his ſtill more diſtinguiſhed Excellence is, a moſt comprehenſive and intimate knowledge of what is denominated *Crown Law*; and we ought not to omit reminding the reader, in delineating (however faintly), the Character of a great Britiſh Judge.—That, the life and liberty of the meaneſt Subject, is of far greater Importance, than any Queſtion of Property poſſibly can be; and that, the Talents of TULLY

were

were never more conſpicuouſly employed, than in the protection of injured Innocence, or the Conviction of abandoned Guilt.

Superior knowledge on this ſubject, was the prominent Feature in the Character of the great Lord HALE, with whom the preſent CHIEF BARON OF THE EXCHEQUER will, in all reſpects, ſupport Competition, by compariſon as a man of Science, and Pre-eminence as a Magiſtrate.

THE HONOURABLE

## *Sir BEAUMONT HOTHAM, Knt,*

*One of the BARONS of the COURT of EXCHEQUER.*

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Adown the ſmooth, ſequeſter'd vale of life,
He kept the noiſeleſs tenor of his way.

---

IT is the obſervation of a profound and elegant Writer, That the Periods of Proſperity and Peace, however conducive to the Happineſs of a People, are but ill adapted to the views of the Hiſtorian. To trace the wiſdom of internal Police, and the gentle ſtreams of Commerce, flowing into a thouſand different channels of Opulence, may be intereſting to the cloſet Philoſopher, but wants a certain blended infuſion of Spirit, to give it life and conſtitution ſufficiently vigorous, to carry it's Deſcent to the remote ages of Poſterity.

The

The ſame obſervation applies ſtill more forcibly to the BIOGRAPHER. HERODOTUS and XENOPHON, TACITUS and LIVY, would hardly have remained to animate our feelings and excite our enthuſiaſm, if they had not been furniſhed with the *active* materials of Wars and civil Commotions;—by bringing all the paſſions into play, they furniſh out the lights and ſhades of Character, and develope the inmoſt Receſſes of the human Heart—*hence*, our admiration and delight on peruſing thoſe claſſic Pages.

Nature herſelf holds this language.—The Tempeſt exhibits all the variety of the Sublime, to excite Wonder and Emotion. The blood is quickened into Circulation, and we feel blended Emotions of Terror and Delight, ſo grateful to the mind of Senſibility, that Language reaches no way to the Deſcription, while the milder Beauties of the ſereneſt ſky are viewed with the moſt tame and torpid Indifference.—The powers of Nature

Nature muſt be rouſed, agitated, called forth *energetically*, in order to pleaſe: even the voice of wiſdom is feeble, languid, and nerveleſs, unleſs aided by a certain degree of Enthuſiaſm. Deduct this ethereal ſpirit from Hiſtorians, Orators, and Poets, and what do you leave them?—a mere *caput mortuum*, the Body indeed remains, but the Soul takes it's flight, and vaniſhes in air.

It remains to the Recorder of Character to lament, that reliſh of Satire and Invective, that *poignancy of flavour* which quickens the appetite, and renders it ſo grateful to the palate of modern Depravity, but which, however fervid may be his love of *virtue*, he endeavours in vain to infuſe into her praiſe; the *unattemper'd* ſweetneſs of panegyric induces ſatiety and languor—it is taken up with no ardour, peruſed with no avidity, and laid down without any regret. The venerable oak never looks ſo noble as when Eurus agitates her boughs.

Had

—Had *Salluſt* choſen for his ſubject the god-like integrity of *Cato*, inſtead of the fell profligacy of *Catiline*, the envious ſcythe of Time would, ages ſince, have ſwept away his ſweetly pregnant Sentences, and deprived us of all knowledge of that elegant Hiſtorian.

Under the impreſſion of this idea, we detail what FEW FACTS have come to our knowledge of BARON HOTHAM.

The virtues of his Heart have contributed to render him univerſally beloved in private Life, and eſteemed in his Judicial Capacity; but he does not by any means poſſeſs that fire and brilliancy of Genius which irriſiſtibly attaches the notice of mankind, and warms the Panegyriſt with the ardour of Enthuſiaſm. BARON HOTHAM may deſerve the *whiſper* of approbation, but he will never be ſaluted with the obſtreperous Blaſt from the Clarion of Fame.

When

When a *Counſel*, he attended the Chancery Bar *little known*, and although an admirable Scholar, and a well-read Lawyer, yet ſo *very little diſtinguiſhed* in Practice, that his Elevation to the Bench, not unfrequently produced the mortifying Enquiry, —WHO IS HE ?—WHAT'S HIS NAME ?

BARON HOTHAM is nevertheleſs RESPECTABLE upon the Bench; and it has been obſerved, that whenever called to the adminiſtration of *Criminal* Juſtice, the Humanity, the Solemnity, and impreſſive Pathos of his Addreſs to Priſoners, has melted the moſt obdurate to Contrition and Repentance.

The Country may be juſtly congratulated on it's Happineſs, that boaſts ſuch Judges as BARON HOTHAM :—The Feelings of the People would be gratified by his Tranſlation to the Preſidency of the Court of Chancery, for

for which Seat he has every neceſſary Qualification*, both of Head and Heart.

* We except that of *Speaker* of the Houſe of Lords.—He wants that BOW-WOW MANNER, and BRAZEN FRONT ſo neceſſary to control the Tumult of Popular Aſſemblies.

THE

THE HONOURABLE

# *Sir RICHARD PERRYN, Knt.*

*One of the BARONS of the COURT of EXCHEQUER.*

---

*Alcandrumque, Haliumque, Noemenaque, Pritanymque*

VIRGIL.

He knows full well, who *oft* purſues the Game,
That in a *Pack* each Hound muſt have his Name.

TRANSLATION.

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MR. PERRYN was admitted a ſtudent of the Inner Temple, the 27th of April 1746, and called to the bar the 3d July in the following year.

His Progreſs to Buſineſs was ſlow, but it was of gradual Increaſe; and although confined

confined to the Court of Chancery, it was, during the latter years of his practice, so extensive, as to ensure him a Brief in almost every Cause and Motion agitated in that Court.

The reputation that accompanies, or rather precedes extensive Practice, recommended him to the Honours of the Profession.

Mr. Perryn was made a Serjeant, in Easter Term 1776, and very soon after a Baron of the Exchequer.

It is generally understood, by whatever means a man may advance himself in life in other professions, in that of the Law at least, that great Practice is an Indication of proportionate Genius and Abilities.—This however is not always the case—Attornies and Solicitors, (the Counsel's best Patrons) are not always the best judges of Merit—with minds narrowed by an uniform adherence

herence to Practical Rules and technical Jargon, they do not always discriminate between the Pedantry of Professional Phraseology, coupled with an ostentatious display of Reading and real Genius, aided by profound Erudition.

Neither are there wanting *other ways*, by which Barristers *may* attach the Professors of the mechanical part of the Law to their Interests.

Great industry will do much—and, frequently, much depends on a fortunate *entré!* The favourable Decision of a Cause at a young Counsel's outset, the hopes of which seemed desperate, and which yet might *chance* to owe a fortunate Turn, more to some unexpected Incident than to any merit of it's Leader, has been known to go farther in advancing a growing Reputation, than the most elaborate Science, and great resources of mental Endowments.

To which of these causes Mr. Perryn's vast accession to business is to be attributed, is left to the Decision of those who shall deem the History of his Life worthy more laborious Research: certain it is, that his Talents are by no means *of the first impression*; and, notwithstanding the extent of his Business as a Barrister, it is well known that he was held *cheap* by the great Cotemporaries with whom he practised, particularly so, by ONE great Character in the Court of Chancery.

His language is poor, insipid, and nerveless; his manner conveys an idea of Weakness and Insipidity—his Arguments might be well, and even judiciously arranged, but carried no weight or force with them.

BARON PERRYN, as a *Judge*, is, we dare say, possessed of competent Legal Knowledge: that he is a humane, upright, and good

ood man, the whole world bears ample ſtimony.—In a private capacity he is very uch the Gentleman, and Man of aſhion; perfectly eaſy in his deportment, d amiable in his manners.

THE HONOURABLE

# *Sir ALEXANDER THOMPSON, Knt.*

*One of the BARONS of the EXCHEQUER.*

---

You wear out a good wholesome forenoon in hearing a Cause between an orange-wife and a fosset-seller, and then adjourn a Controversy of three-pence to a second day of Audience.

SHAKESPEARE'S CORIOLANUS.

---

IN every drama some characters are introduced for the sole purpose of filling up the scene, and occupying the little intervals between the *exit* and *entrés* of more important Characters.

On the Theatric Stage it sometimes happens, that those *necessary*, though uninteresting Characters, are decorated with the trappings and parapharnalia of Royal and

and Senatorial Dignity, and, in the little Drama here ſubmitted to the Public, it muſt not be wondered, if ſome ſuch *perſonæ* make their appearance in the Judicial Robe.

Mr. Baron THOMPSON would not, perhaps, *ſo ſoon* have attained his preſent elevated Situation, without ſome more powerful Recommendation than his own Talents;—great Induſtry, however, aided by ſtrong Claims of *nature and ſympathy* upon illuſtrious Patronage, effected, in very early life, what many revolving years of Application, aſſiſted by Genius, would not, perhaps, have *at all* accompliſhed.

Mr. Thompſon was born at Woolverhampton, in Staffordſhire, where he was alſo educated.

In Michaelmas Term 1764, he was admitted of Lincoln's Inn, and called to the Bar in Michaelmas Term 1769. His attendance was, from this period, confined

fined to the Court of Chancery, and his principal buſineſs that of a Draughtſman. The elaborate Forms appropriated to particular caſes among the Greeks and Romans, ſhew the ſenſe mankind have of the neceſſity of *written* Forms of proceeding in the adminiſtration of Civil Affairs; and he who, from long habit and labour, is become expert and dexterous at drawing up theſe Forms, is certain not only of acquiring conſiderable emolument, but a certain degree of ſecondary profeſſional reputation, proportionate to his utility. The ability indeed of attending to a long ſeries of complicated Facts, ſurveying the whole train of conſequences reſulting from them, ſtating and connecting theſe Facts in a clear and conſpicuous method, ſo as to convince the judgment of their truth, agreement, and conſiſtency, requires not only ſtrong natural capacity and clearneſs of intellect, but the moſt prodigious labour.—A Bill in Chancery, 'tis true, is like no other ſpecies of human compoſi-

tion;

tion; but it is no reflection on the ſoil that weeds grow up with the fruit; it is on thoſe who neglect its cultivation.*

Great experience in this kind of buſineſs and the habit of ſearching into the Books for Caſes, probably made Mr. Thompſon a uſeful Aſſiſtant to his Patron, and *accelerated* his preferment; neither could it fail to give him a certain *currency* in the profeſſion: but the mere Lawyer, without being diſtinguiſhed by *ſome powers* as a Speaker, can never be a character of *conſequence*. SPEECH is the diſtinguiſhing characteriſtic of the human ſpecies, and the ſphere of its utility is wonderfully enlarged, by thoſe who are in any degree *maſters* of it.—The meaneſt poſſeſs it for the common purpoſe of ſocial intercourſe; but that *perfection* of Speech which lays claim to the name of *Eloquence*, elevates it's Poſſeſſor as much above the reſt of his kind, as the faculty of

* See Dialogues on Law, 8vo.

of Speech raiſes the common herd of mankind above the other Tribes of animal Nature. The Orator is the Bulwark of the Conſtitution, and the Guardian of Public Tranquillity, who, by his ſway, connects Men into Society, and whilſt he oppoſes himſelf to the pernicious conſequences of Anarchy and Confuſion, is beheld with a kind of reverential awe by the factious and ambitious.—The Orator is the Spring by which every Government is actuated. ——Some indeed have held Eloquence rather a meretricious than a meritorious Art, and have not been wanting in aſſertions, That *England*, as well as *Athens*, have ſeen their wiſeſt Counſels diſſipated by the breath of Oratory; but it is common for people to ſpeak ſlightly of what *they* cannot attain—it is the Gift of Heaven—a moment's Eloquence is worth an age of Study, and the proof of *aſcendancy* ſhould be the Rule to judge of it's Importance.

It

It is, however, unneceſſary to enlarge upon it's utility, where examples are ſo numerous; and, conſidering how very far the Name prefixed to the ſubject of this ſhort Memoir is removed from *all pretenſions* to Oratory, it might be inferred to inſinuate an inſult never intended to be conveyed by theſe Strictures.—*Let us return from Obſervation to narrate Facts.*

Mr. THOMPSON was, in Michaelmas Term 1782, made a Maſter in Chancery, a promotion which many eminent Barriſters decline, as it generally conveys an idea of what is called *laying by on the high ſhelf.* It proved otherwiſe in the inſtance before us.—

In Hillary Term 1786, Mr. THOMPSON was appointed Accountant General; and in the year following, on the reſignation of Chief Baron SKYNNER, made *puiſne* Baron of the Exchequer, and received the honour of Knighthood.

Among

Among the *Traits* of this Judge's Character, we ſhould not forget to particularize his great *Timidity* and *Diffidence*, Qualities ſo proverbially ſingular in the Profeſſors of the Law, and ſo inconſiſtent with all the habits of their Lives, that they almoſt imply a want of intellectual Vigour, proper to diſcharge the Duties of the Profeſſion :—Fear, in exceſs, confounds both underſtanding and purpoſe.

Mr. Baron THOMPSON, is an amiable character, and perfectly reſpectable in private Life.

THE HONOURABLE

# *Sir ARCHIBALD MACDONALD, Knt.*

*His Majesty's ATTORNEY GENERAL*

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Too low for a high Praise, and too little for a great Praise.

> Seest thou not the air of *court* in these enfoldings?
> Hath not my gait in it the measure of the *court?*
> I am a courtier *cap-à-pée.*
>
> SHAKESPEARE.

---

EXOTICS in the *natural* world, seldom root so well in any *other* as in their own strata; but in the *moral* world, we find it directly the reverse. We have daily examples of a drudging *Scott*—an impatient *Irishman*—and even an *homely* WELSHMAN, benefiting

benefiting by transplantation; and we have been particularly led to this reflection, on close contemplation of the subject of this brief Page. SIR ARCHIBALD MACDONALD would, most probably, have remained but a weak *slip* from the paternal Tree, perhaps productive of little fruit, nor remarkable for any striking foliage, had he been left to rot or ripen on the barren soil that first raised and nurtured him into existence.

SIR ARCHIBALD is the son of SIR ALEXANDER MACDONALD, of *Slate*—the representative of the *Kings* and *Lords* of the ISLES—a title of more *sound* than *importance*; yet tenaciously kept up, and vauntingly noted in the Archives of the family. The mother of the Attorney General was the LADY MARGARET MONTGOMERY, a daughter of the NOBLE HOUSE of EGLINTON.

The family of Sir ALEXANDER may be justly esteemed amongst the most fortunate

fortunate of his country, for every branch of t has been patronized either by natural or acquired favours. SIR JAMES, who afterwards succeeded to the Baronetcy of his father, will be universally remembered as a prodigy of early abilities: but the full blown Flower of Genius failed, in a *certain* degree, to answer the promise of it's first opening. The *second* son, ALEXANDER, by dint of application, and the force of merit, was created an Irish Baron in the year 1776; and Sir ARCHIBALD, of whom we are now speaking, has, by a fortuitous turn of circumstances, succeeded to two the most important offices of his Profession,—those of *Solicitor* and *Attorney* General.

If we view Sir Archibald's first *practice* at the Bar, a word synonymous with *legal Reputation*, we shall find it to have been extremely scant;—A Fee, *now and then*, in Scotch appeals, being the summit of his Experience, or indeed expectations.

His

His latter ſucceſs has been owing, like ſome others of his Brethren, more to the *Petticoat* than to the *Gown*.

SIR ARCHIBALD, it muſt be remembered, is connected, by marriage, with the Houſe of STAFFORD, having eſpouſed Lady GOWER, a daughter of the preſent *noble* MARQUIS. From the powerful intereſt and influence of ſuch an alliance, Preferment might naturally be looked for, nor has it been looked for *in vain*. On the firſt vacancy, we accordingly obſerve Sir ARCHIBALD conſtituted Solicitor General; and on the advancement of Sir PEPPER ARDEN, he ſucceeded him as Attorney General.

It had formerly been accepted as a maxim, That theſe great Crown Officers ſhould ſtand forth, as ſtrong Miniſterial Holds in the HOUSE of COMMONS;—but *moral* and *political* data, as we have more than in *this* place obſerved, have occaſionally given

given way to progressive Improvement. Our present happy Minister has learned to conduct the Nation, if not honourably, with respect to himself, at least safely, WITHOUT ANY SUCH FOREIGN AID—OR INDEED ANY AID AT ALL :—He is the responsible First Lord of the Treasury, and Chancellor of the Exchequer ; and, besides these, generally conceived, First Commissioner of the Admiralty—the Secretary at War—and the Secretary of State—CUM MULTIS ALIIS.

He is the Atlas of the State, and his Conduct seems to discover an Ambition of standing *alone*, unsupported by any Abilities but his own ;* we should not be surprised (having been called to the Bar),

* In an elegantly written Pamphlet, entitled, A REVIEW OF THE POLITICS OF GREAT BRITAIN, IN 1787; *the same idea* is thus happily expressed and enlarged upon :

Mr. PITT himself, comprehends almost the whole of Administration.—With *Atlantean shoulders* he supports the incumbent weight of the Monarchy, and stands, like AJAX,

Bar), if he was *also* to do the business of the Court of Chancery. Lord NORTH monopolized the abilities of the Kingdom in defence of his Measures, having enlisted under his Banners the formidable Names of THURLOW, WEDDERBURNE, NORTON, and

AJAX, SINGLE AND ALONE, amid Hosts of surrounding Enemies. One, and one only Friend, appears decorated with the insignia of Legal Dignity, to oppose, in another House, the attacks of Opposition. Wherever else I look, I see only a vast Vacuity; a Vacuity, where no Talents, no Powers of Oratory, no Strength of Intellect, illuminate the darkness, or cheer the gloom! The names of a SYDNEY and a CARMARTHEN, can only be transmitted to future times, by being involved in the illustrious Train of PITT, and must be preserved from Oblivion, by mixing in his Radiance. They may "pursue the Triumph, and partake the Gale," but never can mingle in the splendour of Renown: too happy, if their want of ability screen them from Investigation; a JENKINSON and a DUNDAS may, indeed, supply the defects of the Cabinet in either House of Parliament: but England was not accustomed, in better times, to see the foreign Interests of her Crown thus abandoned and thus neglected, in every Court of Europe, and in every quarter of the Globe.

It is not sufficient for Men, who assume and undertake to conduct the Affairs of Nations, that they possess Probity and

and DE GREY,—Who are the Champions of PITT?——RISUM TENEATIS!——Sir RICHARD PEPPER ARDEN, Mr. BEARCROFT, and Sir ARCHIBALD MACDONALD!!!!!!!!

But to return——Sir ARCHIBALD MACDONALD, as a *Lawyer*, has given very few Specimens of ſtriking Abilities; as a *Speaker in Parliament*, fewer ſtill; but, as a *Private Character*, no man is more eſtimable or amiable.

and good Intentions. Talents and Application muſt mark them out from among the Croud of Nobility who ſurround the Throne, and entitle them to occupy the dangerous Eminences of State: nor, when theſe are wanting, can any adventitious Decorations of Rank, or Illuſtrious Birth, be admitted as a compenſation for ſuch inherent and incurable Defects.

THE HONOURABLE

# *Sir* JOHN SCOTT, *Kt.*

*His* MAJESTY's SOLICITOR GENERAL.

---

Pleasant without scurrility—witty without affectation—audacious without impudence—and learned without opinion.

SHAKESPEARE's *Love's Labour Lost.*

——— He hath a prosp'rous art
When he will play with reason, and discourse,
And well he can persuade.

SHAKESPEARE's *Measure for Measure.*

---

IT would be a curious, and by no means a useless gratification, to review the Revolutions of Taste in the different Periods of English History, and observe the very dissimilar Means which varied Manners hold out to the aspiring and ambitious in the Career of Fame. The same Path that is obstructed in one Age by endless difficulties, is opened by the flattering hand of Invitation and Incitement, in another.

Monkish

Monkiſh Habits were, in other Times, a Prelude to the Stateſman's Robes, —Honours and Emoluments were only laviſhed upon Churchmen, and thoſe of minds enſlaved by the groſs Bigotry of Monaſtic Life. Every Department of State was Prieſt-ridden;—the Helm of England has been conducted by the tyrannic Hand of a Butcher's Son! under the Sanction of theſe *Trappings*.

To *this* ſucceeded a more liberal Age. Elegance and Refinement were ſeen, like the great Luminary of the World, emerging from a Cloud, and burſting through the gloom of Monkiſh Ignorance. Polite and ſpeculative Literature ſucceeded the dull Jargon of the Schools; and Poets and Philoſophers were called to occupy the firſt Offices of State.

A ſucceeding Revolution dethroned the Muſes, to make way for the Men of Law. The preſent may fairly be denominated the *Age of Lawyers*.——Formerly Men were

*whelmed*

*whelmed* in the vaſſalage of Prieſthood.—Prieſts were in thoſe Times a kind of Solicitors in the Chancery of Heaven, inveſted, however, with all it's Plenitude of Power on Earth.—Lawyers *are* now, what Prieſts *were* then; and the Tribute paid to them, is as great as Superſtition once rendered to the Church.

Men of this Profeſſion, without Birth, Family, Connections, or Wealth, are daily raiſing themſelves to the higheſt Dignities of State; and the Character, now under conſideration, will probably live to be decorated with a Commiſſion, that will give him Precedence over every Lay Subject of the Kingdom. How long the Law may poſſeſs this great Superiority, and the Bar remain almoſt the only Avenue to Wealth and Fame, may be a matter of great ſpeculative Curioſity to the Philoſophical Obſerver; but not being directly pertinent to the Subject before us, it muſt paſs us undiſcuſſed, while we proceed to narrate what we know,

or have been able to obtain, respecting Sir JOHN SCOTT, from the strictest enquiry.*

Sir JOHN SCOTT is the Son of a respectable Tradesman in *Newcastle*. His elder Brother, Sir WM. SCOTT, was bred up in the Practice of the Civil Law Courts, and is at this Time a Doctor of Laws, and His Majesty's Advocate General, and will, in all probability, rise to the highest Honours in the Ecclesiastical Court. SIR JOHN, then Mr. SCOTT, was admitted a Student of the *Middle*

* That the Bar will not always maintain their present Pre-eminence, may fairly be inferred, not only from preceding Revolutions of National Taste and Circumstances, but also from the History of other Nations. We may observe, even in OTHERS, the different Degrees of Respect in which the Orators, or Pleaders of Causes, were held at different Periods; and in ROME, we have still more striking Examples of the mutability of Professional Respectability and Opulence. The immediate Successors of CICERO found the Bar the most honourable and lucrative Profession; but, in the Time of JUVENAL and PERSIUS, the Case was so much otherwise, that their Poverty, and the wretched insignificance of their Fees, were become Proverbial Reproaches to the *whole Tribe* of Orators.

*Middle Temple* of Hillary Term, 1772; and after ſtudying with much application, keeping his Terms regularly, and attending the Court of Chancery with great aſſiduity during the uſual Seaſon of Probation, was called to the Bar in Hillary Term 1776.

He devoted his attention principally to the Practice of the Courts of Equity. Indeed, for ſeveral years after his Call to the Bar, with a Timidity natural to his Character, he ſhunned, as much as poſſible, appearing even at the Chancery Bar *as a Pleader;* confining himſelf almoſt entirely to the Buſineſs of a Draughtſman, in which he was reputed extremely able, and in which he had vaſt Practice.

Many have forced themſelves, in this Profeſſion, into public notice, by reſolute and perſevering Induſtry, which the ſtrength of their conſtitutions have enabled them

them to support; and not a few have succeeded by means of that *florid energy* of Character, distinguished by the word ASSURANCE; but Sir John Scott is a singular instance, where the Source of Advancement in life is to be traced to great natural Modesty and Feebleness of Constitution, which is too apt to operate as a check upon young Ambition's Wing; and is very rarely, indeed, productive of advantages in the road to Fame and Fortune. Such was, however, the case in the present instance; Mr. Scott, finding his health unequal to Confinement, and the sedantary Life of a Draughtsman, meditated a Change in his Plan of Life; and doing violence to his Feelings, sought the nearer Path to Fame by the Road of Eloquence.

The Attempt succeeded far beyond his own hopes, or the Expectations of his Friends.

As

As a Draughtſman, Mr. Scott had always diſtinguiſhed himſelf by the Neatneſs and Accuracy of his Pen. In his Bills, in his Anſwers, in his Conveyances, every Thing ſeemed arranged in the moſt correct and orderly Manner, and expreſſed in the neateſt and moſt appropriate Language, which the formal Jargon of the Law would admit; and now, as a Chancery Advocate, the ſame Ingenuity, Preciſion, and Clearneſs, diſtinguiſh all his Pleadings.

His Speaking, is of that ſubtle, correct, and deliberate kind, that has more the appearance of written than of oral Eloquence. He branches forth his Arguments into different Heads and Diviſions; and purſues the reſpective Parts through all their various Ramifications, with ſuch methodical Accuracy, that Argument ſeems to riſe out of Argument, and Concluſion from Concluſion, in the moſt regular and natural Progreſſion; ſo that thoſe who are not acquainted with his Practice, would

ſuſpect

ſuſpect that he had ſtudied and prepared his Speeches with the moſt diligent Attention; while others, who are better acquainted with the Buſineſs of the Courts, feel their Admiration and Surpriſe increaſed, from the Knowledge that a Man of his extenſive Buſineſs, ſo far from *ſtudying what he ſhall ſay*, can ſcarce find Time to glance his Eye over the numerous Papers that come before him, but muſt catch his Knowledge of the Cauſe, not ſo much from his Brief, as from the Opening of the Junior Counſel, and the Arguments advanced on the oppoſite Side.

He is alſo particularly diſtinguiſhed for his Aptitude and Ingenuity in Reply.

His ſyſtematic mind ſeems to methodize, with inconceivable rapidity, the Arguments of his Opponents. In the ſhort ſpace of Time between the Pleadings of his Adverſary, and his Reply, every Thing ſeems digeſted and diſpoſed, and

his

his Mode of Replication seems planned in the nicest Order. He will frequently take up the concluding Argument of his Opponent; or, at other times, seize upon some Observation which had fallen in the middle of the adverse Speech. Here he will begin his Attack; and proceeding by his usual clear and deliberate Method, pursue one regular Chain of reasoning, till he has confuted, or at least replied to, every Proposition advanced against him.

Mr. SCOTT is little known *out* of the Metropolis, or *in it*, but as a Chancery Pleader.—The Subtlety of his Metaphysical Reasonings are admirably adapted to the Practice of this Court.

There are *certain Characters*, who, from being themselves remarkably *overbearing* and *assuming*, are particularly pleased in others with that Modesty and Diffidence, which give them no Trouble by painful Opposition, or assuming the Appearance of

of Competition, by a resolute Adherence to Argument and Disputation. It is therefore probable, and a variety of Instances support the Supposition, that notwithstanding Mr. Scott's acknowledged Talents, he owes his Success, in a great measure, to that Urbanity of Manners and Diffidence, which has avoided, as much as possible, all Opposition with the Bench.—Be this as it may, the present Chancellor took very early Notice of him, and gave him his Countenance in Practice, in a way extremely unusual with him.

One time, in particular, while Mr. Scott was yet but *rising* into Notice, the Chancellor having been particularly pleased with his pleading, and having paid him the most marked Attention during all the time he was speaking, desired, at the breaking up of the Court, to speak with him in private:—however embarrassed with the unexpected Honour, he instantly obeyed the Summons, and they retired together.

The

The Chancellor congratulated him on his rising Merit, and offered him the then vacant Mastership in Chancery; at the same time observing, that he did not press his Acceptance, since, in all probability, he might in time do better.

The Office of Master in Chancery is looked upon, by the Professors of the Law, as a kind of HOSPITAL FOR INVALIDS, where those, whom Connections, or Application, have reared to a certain Rank, sometimes find a calm and idle retreat for Life, with a comfortable Stipend, and *good Accommodation*; but from whence they are seldom called again into more distinguished Scenes of Action, that lead to the high Offices of State. But Mr. SCOTT (tho' as we have observed before, much of a Valetudinarian in Constitution), probably feeling himself rather encouraged by this Conversation, to pursue the arduous Path of Fame, than to repose himself in this obscure Retreat, politely declined the Offer, and

and wisely trusted to his Fortune and Industry for the attainment of still higher Honours.

How much this Anecdote must have contributed to raise the young Pleader in the Opinion of the Profession, may be easily imagined. Certain it is, Mr. Scott had a greater Run of Business than any Counsel at the Bar.

In 1783, a Patent of Precedency was granted him, by which he became entitled to all the honours and advantages of the Silk Gown, and ranked with the King's Counsel.

Mr. SCOTT was soon after introduced into Parliament, having been returned for the Borough of *Webly*, in *Hereford*.

In the commencement of his Career, as a Political Character, and a Parliamentary Speaker, we must refer to the date of

Mr.

Mr. Fox's celebrated India Bill; and upon this occasion it must be observed, that he seems to have foregone the *wonted Modesty* of his Character, by putting himself not only in opposition to LEE, the then *Attorney General*, a Man of acknowledged Abilities, but against the British DEMOSTHENES, the Champion of Patriotism.

What were the specious Pretexts on which this Bill was opposed, what were the Nature of Mr. SCOTT's Arguments, and what the fate of the Bill itself, are Topics unnecessary to be here enlarged upon. However unpropitious this Event might be to the Interest and Welfare of this Country, it was very far from having any ill effects on the Fortune of Mr. SCOTT.

Eminence in our Courts, is a sure Conductor to the *Path* of Promotion;—but it goes no further, *of itself*, than to the

THRESHOLD of preferment; a certain *pliability* and *elasticity of Principle*, which can wind thro' the mazes of Political Intrigue, and a facility of shaping Opinions to the Fashion of the Times, are essential Requisites for conducting him to the Goal. In these respects, to speak plainly, Lawyers are seldom deficient; Their habits of representing whichever Side they feed upon, as that, which Truth and sound Reason support, naturally leads them, in time, to consider Truth and Reason as only to be found on the side of Interest. From this temper of Mind, perhaps many of those rapid Advancements to Power and Opulence, which have distinguished the Barristers of the present Century may be accounted for; and perhaps even the forcible Reasoning, and correct Diction of Sir JOHN SCOTT, might not as readily have smoothed for him, the Road to his present Honours, had not his *Principles* led him so readily, and so zealously, to espouse the Sentiments of those, it had already been determined should be advanced

to

to Adminiſtration, and who held the Reins of Power *at the Diſſolution of the laſt Parliament.*

Since the Change produced by the Meaſure above ſtated, no material alterations have taken place in Cabinet Arrangements, and Sir JOHN SCOTT has *hitherto* perſevered in a uniformity of Conduct. In the Year 1788, he diſtinguiſhed himſelf as the illuſtrious Father of the *Declaratory Bill*; an explanatory Act, of which it may be ſaid, as it has of many Commentaries upon Homer, that it pointed out Meanings and Interpretations invented long after the Original was digeſted, and gave the Authors of the Performance, it pretended to elucidate, the Honour *(ſuch as it was)* of Inventions, about which, at the time it was compoſed, they were not bold enough to think, even in their wildeſt Dreams.

The Conſequences of this extraordinary Meaſure, were as advantageous to Mr.

SCOTT, as the Bill itself was alarming to the Friends of Liberty. The latter, it is true, were left to mourn, in astonishment, the security with which Measures might be introduced by slow, *jesuitical* and nefarious means, that would have instantly died in the Lustre of open Day.

These were Services that never go unrewarded. In 1788, Mr. SCOTT was knighted, and made Solicitor General.

Among the other *Patriotic* Measures of Mr. PITT's Administration, to the Honour of which Sir JOHN SCOTT may justly, in part, lay claim, we must not forget, that in him *originated* the Legal Doctrines and Subtleties of the *Regency Bill.*

As a *Parliamentary Speaker*, Sir JOHN SCOTT's Merit, is very inferior to his Professional Ability as a *Pleader*. The technical Modes of Speech, and the formalized Habits of the Courts, *attach* him so strongly upon all Occasions, that he can never

never hope to charm a popular Aſſembly, or command the Applauſe of Senates.—He wants the Warmth and Animation, the bold declamatory Vehemence, that diſtinguiſh the Senatorial from the Forenſic Orator.

SIR JOHN SCOTT always begins in the Houſe of Commons with a low and embarraſſed Tremulation of Voice, which ſubſides very gradually, and ſometimes not at all.—He is always ſhrewd, clear and ſenſible, but very ſeldom energetic and impreſſive—*never* animated,

As a *private* Character, Sir JOHN SCOTT is perfectly the Gentleman: eaſy, polite, and affable; neither aſſuming among his Friends, difficult of Acceſs, or faſtidiouſly reſerved, to Strangers. With the Manners, he alſo blends the Exterior of the Gentleman.

# Mr. ANSTRUTHER.

*Adscisset nova, quæ Genitor produxerit usus:*
*Vehemens & liquidus, puroque similimus amni,*
*Fundet opes, Latiumque beabit divite Linguâ:*
*Luxuriantia compescet; nimis aspera sano*
*Levabit cultu; virtute carentia tollet;*
*Ludentis speciem dabit, ac torquebitur, ut qui*
*Nunc Satyrum, nunc agrestem, Cyclopa movetur.*

HOR. EPIST.

THE multifarious *Biographer* is, in some particulars, not unlike the *Painter*. The mere catching the *identity* of striking features, is to *both* almost a work of mechanica ease; but to give a *varied attitude, and a still rarer character* to the picture, is, to the one and the other, the knotted perplexity (TRINODA NECESSITAS) of the art he cultivates.

The Gentleman of whom we now *attempt* a faint Sketch, will not, we hope, be ashamed

ashamed to look on a Portraiture handled with much *Faithfulness*, though with little Taste. In one thing, at *least*, we may take credit—that we shall not suffer by the test of COMPARISON, as we believe he has not sat to another Artist.

Mr. ANSTRUTHER is indebted to Fortune for some accidental Advantages, that might have benefited more, had they fallen elsewhere, than where they did. It may suit the booby Heir of a rich House, to have his Wants provided for, even before he knows that he has any; but GENIUS in every Clime, will force to her Necessities the Tribute of the Alien.

On the Pride of Birth much might here be arrogated. If to be descended from one of the oldest Families of an antient Kingdom, were, in these times of happy Illumination, any thing to boast—He is the son of SIR JOHN ANSTRUTHER, Bart. of Ayreshire, in Scotland, who connects

nects with a handſome Rent-Roll, conſiderable Parliamentary Intereſt.

At an early age, young ANSTRUTHER was recommended to Glaſgow, and there to Dr. MILLAR, the celebrated Profeſſor of Humanity. They who were lucky enough to have brought hither any Talents, might be aſſured, at leaſt, not to leave the place with leſs Knowledge than they came.--Our *Tyro* would, however, have bidden farewell to the Academic Walls, with little increaſed Knowledge, but for the inceſſant Induſtry of his great Preceptor; for he is ſaid to have been the idleſt boy of his Claſs. When recalled from College, he began, however, to feel the Neceſſity of an eſtabliſhed Purſuit, and a fixed Attention on the proſecution of it. Left to himſelf, he did not long heſitate where to determine—but fixed at once on the Study of the Law.

In

In 1774, he was admitted of Lincoln's Inn—and called to the Bar in Hillary Term 1779.

His progreſs in profeſſional Avocations, has been more obſervable for the *Certainty* of the *Retainments* of what it has *once* poſſeſſed itſelf, than of *quick Attainments*. Nor can it any way be at all impeached for having been puſhed by unfair and diſreputable Practice.

Mr. ANSTRUTHER, in the Declaration of his Opinion *as a Lawyer*, is *ſlow*; but to make ample amends, he is for the moſt part, *ſure*. He is conſulted on all great Queſtions of Law, ariſing in his own Country, and has often evinced, by a large Diſplay of *local* Learning, that a more able Advocate could no where be engaged. Perhaps there is no Branch of Pleading more honourable than that of Scotch Appeals; more *lucrative*, it may roundly be ſaid, there cannot be; and he is not without

out a proportionate Division of *diurnal* Business in the Court, where he is more especially called to Practice.

He had not been long on the Books of Lincoln's Inn, when a Prospect of a Seat in the House of Commons presented itself, too flattering to be resisted. He has been twice returned to Parliament.

His conduct in the Senate has been uniform. He conceived an early Attachment to Mr. Fox and his Politics, from which he has never swerved in *all the trying Vicissitudes* of his great Leader's Fortune. He is, to the Party with whom he acts, an able Coadjutor. In his Arrangement of public Concerns, in his easy reference to remote Facts, he affords a useful, though *tacit* Assistance, to his more talkative Associates; nor has he ever hurt the Cause he espoused, when he ventured to rise in support of its Merits.

His

His regular Attendance in the Committee of Enqtiry into the Affairs of India, not ten years tedious Proceſs has been able to appal. To his Indefatigability, may be aſcribed the Honour of his being appointed by the Commons of England to ſhare in the Management of the Impeachment now carrying on, in their Name, againſt WARREN HASTINGS, Eſq.

The Speech on the Opening of the Charge entruſted to his Hands, was a grand Specimen of Oratorical Abilities, and diſcovered a wonderful Poſſeſſion of the Subject he was required to illuſtrate. Where *the preſent* Lord CHANCELLOR deigns to commend, it may very fairly be preſumed there is poſitive Deſert; and his Lordſhip could not with-hold his Approbation on the Spot.

His Speeches on the *Regency Bill*, the *Declaratory Act*, and Mr. PITT's *India Bill*, did him equal Honour.

Mr.

Mr. ANSTRUTHER's Oratory is by no means SHEWY. His Characteristic is *forcible Argument*, conveyed in *neat*, *pointed* Language. He is said to affect the Manner of Lord LOUGHBOROUGH; and if so, is certainly an admirable *Copy*. As far as relates to Action, he has succeeded in the most exact Resemblance; but he who looks for the further Perfection of a *Volume* of Harmonious Voice, and the happy Energy of Animation, will be disappointed. Whenever Mr. ANSTRUTHER deviates from the *even*, *didactic*, *kind of Speaking*, his communicative Organs fail him entirely. Sometimes his Voice is thickly choaked; at others, it utters Sounds discordant, and ungrateful to the Ear of Harmony.

In *Person* he is above the common Stature, and rather inclined to stoop, probably from a sedentary Habit. His impaired Health may also, we suppose, be attributed to the same Cause.

The

The concluding Paragraph gives us more Pleasure than all that have forgone; however in *Public* Life he may be admired of his numerous Partizans; it is far exceeded in the amiability and respect of his *Private* Worth.

*Messrs.* ERSKINE, PIGOT, MINGAY, *and* GARROW, *were originally intended to follow the* ATTORNEY AND SOLICITOR GENERAL; *but as a* SECOND VOLUME *(entirely confined to the great* CHARACTERS *of the BAR is ready for the Press, awaiting the Public judgment upon the* PRESENT, *it is judged better to reserve those* very eminent Names, *as a means of* ENSURING *a favourable Reception.*

*After*

*After so much has been said of Lawyers of the present Day, the Insertion of the following Character from an* Old Writer, *may not, perhaps, be thought impertinent or improper.*

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THE

# *CHARACTER of an HONEST LAWYER.*

BY H. G. Χιλονομιον.

---

*Justitiæ cultor, rigidi servator Honesti, in commune bonus.*

---

Licensed August 29, 1676, ROGER L'ESTRANGE.

AN Honest Lawyer is the life-guard of our Fortunes, the best collateral Security for an Estate: a trusty Pilot, to steer one through the dangerous (and often times inevitable) ocean of contention: a true Priest of Justice, that neither sacrifices to fraud nor covetousness; and in this outdoes those of a higher function; that he can make people honest that are Sermon-proof.—He is an infallible anatomist of *Meum* and *Tuum*, that will presently search a cause to the quick, and find out the peccant humour, the litte lurking cheat, though masked in never so fair pretences: one that practises

Law, ſo as not to forget the Goſpel, but always wears a Conſcience as well as a Gown; he weighs the Cauſe more than gold; and if that will not bear the Touch, in a generous ſcorn puts back the Fee.

Though he knows all the Criticiſms of his Faculty, and the nice Snapperadoes of Practice, yet he never uſes them, unleſs in a defenſive way, to countermine the plots of Knavery; for he affects not the deviliſh ſkill of out-baffling Right, nor aims at the ſhameful Glory of making a bad Cauſe good; but with equal contempt hates the Wolve's Study, and the Dog's Eloquence; and diſdains to grow great by crimes, or build himſelf a fortune on the ſpoil of the oppreſſed, or the ruin of the Widow and Orphan. He has more reverence for his Profeſſion, than to debauch it to unrighteous purpoſes; and had rather be dumb, than ſuffer his tongue to pimp for injuſtice, or club his parts, to bolſter up a cheat with the Legerdemain of Law-craft.

He is not faced like *Janus*, to take a retaining fee from the Plaintiff, and afterwards a back-handed Bribe from the Defendant; nor ſo double-tongued, that one may purchaſe his Plead-

ing,

ing, and the other at the same, or a larger price, his Silence; but when he undertakes a business, he espouses it in earnest—and does not follow a cause, but manages it. A mollifying letter from the adversary's potent friend, a noble treat, or the remora of a lusty present from the great, have no influence to make him slacken his proceedings; for he is so zealous for his Client's interest, that you may sooner divorce the sun from the ecliptic, than warp him from his integrity; yet still is his patron only *usque ad aras* (as far as just); for if once he finds the business smells rank, *St. Mark*'s Treasure, or the Mines of *Potosi*, are too small a fee to engage him one step further.

As his profession is honourable, so his education has been liberal and ingenious; far different from that of some jilting pettifoggers, and purse-milking law-drivers, whose breeding, like a cuckoo's, is in the nest of another trade, where they learn wrangling and knavery in their own causes, to spoil those of other men, and, with sweetened ingredients of mechanic fraud, compound themselves (though simple enough) fit instruments for villany. But his greener years were seasoned with literature,

and

and can give better proofs of his univerſity learning, than his reckoning up the Colleges, and boaſting his name in the Buttery book: he underſtands logic (the method of right reaſoning) and rhetoric (the art of perſuaſion), is well ſeen in hiſtory (the free ſchool of prudence), and no ſtranger to the ethics and politics of the antients. He is ſkilled in other languages beſides *Declaration Latin* and *Norman* gibberiſh: he read *Plato* and *Tully* before he ſaw either *Littleton* or the *Statute Book*, and, grounded in the principles of Nature and Cuſtoms of nations, came *(lotis manibus)* to to the ſtudy of our common municipal law, which he found to be *multorum annorum opus*, a taſk that requires all the nerves of induſtry; and therefore employed his time at the Inns of Court, better than in hunting after new faſhions, ſtarting freſh miſtreſſes, haunting the play-houſes, or acquiring the other little town accompliſhments, which render their admirers fine men in the opinion of fools, but egregious ſops in the judgment of the wiſe.

In his ſtudy, he traffics not only with the infantry of epitomes, abridgments, and diminutive collectors in *decimo-ſexto*, but draws his knowledge

knowledge from the original ſprings, digeſting the whole body of the Law in a laborious and regular method, but eſpecially aims to be well-verſed in the practice of every Court, and rightly to underſtand the art of good pleading, as knowing them to be the moſt uſeful to unravel the knotty intrigues of the cauſe, and reduce it to an iſſue; yet hates to peſter the Court with *Circuities*, *Negative Pregnants*, *Departures*, and multiplied *Inconveniencies*.

He never goes about with feigned allegations to caſt a miſt before the eyes of juſtice, that ſhe may miſtake her road, and aſſign the child to the wrong mother: endeavours not to pack a Jury by his intereſt to the Under Sheriff; nor to balk an Evidence with a multitude of ſudden enſnaring interrogatories; nor maintains any correſpondence with the Knights of Alſatia, or Ram-Alley Vouchers. He can proſecute a Suit in Equity, without ſeeking to create a *whirlpool*, where one Order ſhall beget another, and the poor Client be ſwung round (like a cat before execution) from Decree to Rehearſing, from Report to Exception, and *vice verſa*, till his fortunes are ſhip-wrecked, and himſelf drowned, for want of white and yellow earth to wade through

through on. He never ſtudies delays to the Ruin of a Family, for the lucre of Ten Groats; nor, by drilling Quirks, ſpins out a ſuit more laſting than Buff, depending a whole revolution of Saturn, and entailed on the third and fourth Generation. He does not play the Empiric with his Client, and put him on the rack to make him bleed more freely, caſting him into a ſwoon, with frights of a judgment, and then reviving him again with a cordial Writ of Error, or the dear Elixir of an Injunction, to keep the brangle alive as long as there are any vital ſpirits in the pouch. He can ſuffer his neighbours to live quiet about him, without perpetual alarms of Actions and Indictments, or conjuring up dormant Titles to every commodious Seat, and making Land fall five years purchaſe, merely for lying within ten miles of him.

He delights to be an Arbitrator, not an Incendiary, and has *beatus pacificus* oftener in his mouth than *currat lex*. He never wheedles any into endleſs Suits for trifles, nor animates them to undo themſelves and others for Damage Feaſant, or inſignificant treſpaſſes *pedibus ambulando*; but (as *Telephus'* ſword was the beſt cure for the wounds

wounds it made) advises people to compose their assaults and slanders over the same ale that begot them; nor does he, in weightier cases, extort unreasonable fees; for whatever the foul-chapp'd rabble may suggest, a Lawyer's profession is not mercenary; the money given him is only an honorary gratuity for his advice and trouble, or a grateful acknowledgment of our obligations for his well-intended endeavours; and the old emblem of the bramblefs tearing off the sheep's fleece that run to it for shelter in a storm, can have no reflection upon him, whose brain is as active, and his tongue as volatile, for a pennyless pauper, as when oiled with the *aurum potabile* of a dozen guineas.

In a word, whilst he lives, he is the delight of the Court, the ornament of the Bar, the glory of his profession, the patron of innocency, the upholder of right, the scourge of oppression, the terror of deceit, and the oracle of his country; and when death calls him to the Bar of Heaven, by a *habeas corpus cum causis*, he finds his Judge his Advocate, nonsuits the devil, obtains a liberate from all is infirmities, and continues still one of the Long Robe in Glory.

The

## *The* AUTHOR's APOLOGY.

THERE are a ſort of ſpider-pated animals, that can ſuck venom out of the medicinal flowers; miſchievous Drones! that have not only left off *laudanda facere, ſed etiam laudare;* ſo far from doing any thing praiſe-worthy themſelves, that they cannot endure the deſerved encomiums of others. If any ſuch vermin ſhould light upon this innocent lucubration, and endeavour to turn panegyric into ſatire, by a left-handed comment, the Author thinks fit to anticipate their malice—that there lives not a perſon whoſe breaſt is fraught with a greater veneration for the Profeſſion of the Law than himſelf, who had the honour of ſome mean education therein: But as he knows no true Gamaliel will wrong him with ſuch a groundleſs ſuſpicion, ſo he eſteems the diſpleaſure of griping Cauſe-jobbers, and Green Bag-dabblers, below his regard. It is their intereſt to be offended at the character of an Honeſt Lawyer, for the very ſame reaſon that hard-favoured Ladies hate Handſome Chambermaids; and may well imitate that Dawber's policy, who, having drawn a moſt miſerable picture of a cock, hired a boy to pelt away all the live ones from coming near, leſt people, by comparing, ſhould diſcern the horrid uglineſs of his own.

# CONSIDERATIONS

ON THE

*PROCLAMATION*

OF THE

GOVERNORS OF THE AUSTRIAN NETHERLANDS

AGAINST

*F R A N C E.*

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[Price One Shilling and Sixpence.]

Ruo:

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AGAINST

# *F R A N C E,*

PUBLISHED AT

# BRUSSELS, THE 19th OF MAY, 1792.

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M.DCC.XCII.

# CONSIDERATIONS, &c.

JUST at the period, when the Auſtrian troops of the Netherlands were preparing to make war againſt France, the Governors of theſe Provinces have thought proper to publiſh a Proclamation, which may be conſidered as a kind of Manifeſto, iſſued with the double view of repreſſing the people of Brabant under the yoke, which they have in vain attempted to ſhake off, and of creating doubts in the minds of all Europe, of the juſtice and neceſſity of the motives, which have decided France to have recourſe to her arms for protection. When formerly the paſſions of princes, or the dignity of crowned heads, were the only object of war, the care and talent of kings, or of their mi-

 niſters,

niſters, was never to advance any thing clear or ſincere in their Manifeſtos; and the habit of the people was ſuch as to believe, that it was not proper for government to acquaint them why they were to ſpill their blood. The example of the National Aſſembly of France, where every thing is ſaid and done in broad day-light, whoſe ſittings may be ſaid to be held in the preſence of all Europe, has forced the Governors of the Netherlands to quit in their Proclamation, the obſcurities of the antient diplomatic ſyſtem: but this very Proclamation will ſhow, how neceſſary myſtery is to thoſe who have neither truth nor juſtice on their ſide, and how imprudent it is for deſpotic governments to attempt the clear and ſimple language of reaſon, and of a free people.

Three principal objects offer themſelves to notice in the Proclamation of the Governors of the Netherlands: they endeavour to prove to the Brabantines, 1ſt, That it is neither the Nation at large, nor the King, that have kindled the preſent war, but A FACTION, that has for theſe three years paſt convulſed France. 2dly, That the Auſtrian govern-

government has done every thing to prevent the war, and nothing to provoke it; and that it is the French who have for a year paſt, ſought every pretext of aggreſſion. 3dly, That the nations of Europe, being invited by France to re-aſſume the rights which ſhe has recovered of being free and ſovereign, ought to ſee with dread and horror, the ſtate of anarchy, the crimes and miſery, to which ſhe has become the prey in the purſuit after AN IMAGINARY LIBERTY. This is what is ſaid to men, who are led out to ſpill their blood in the very cauſe, which perpetuates their ſlavery; and theſe are the aſſertions of all the enemies of liberty throughout Europe at this very day: Let us ſee then what their proofs are, and hence we ſhall learn the general way of reaſoning of tyrants and ſlaves.

It is eaſily to be conceived, that deſpotic governments will readily beſtow the name of FACTIOUS on thoſe generous friends of mankind, who claim liberty for the ſake of all men, but who claim it in a ſmall number in the midſt of nations, who are ſilent in their ſtate of ſervitude: but when a nation of five and twenty millions of men, almoſt unani-

mous in their opinions, their ſentiments, their cries, and their vows; when ſuch a nation univerſally, from one end of the kingdom to the other, reſounds with theſe words for three whole years, I WILL BE FREE—I AM FREE: when repreſentatives convoked by its king, and nominated by the people, have given it a conſtitution and laws, which it has accepted, and ſworn to defend at the price of its blood: when a ſecond legiſlature, a new body of repreſentatives elected by the nation, in purſuance of the more regular form preſcribed by the conſtitution, is become the organ of its will, confirmed, and moreover guarantied by the ſanction of its king: when a whole nation are under arms in the defence of its liberty, and it has poſted four armies on its frontiers: when the receipt of the taxes, which has been interrupted or ſlackened by ſo many obſtacles, is now become ſo quick at the inſtant of this war, the only one that ever has been demanded by the nation, and which will be carried on for it and by it: to pretend that a power which manifeſts its ſovereign orders with ſuch ſolemn forms, with ſuch an univerſal and impoſing conformity of thought, ſentiments and force,

is

is a faction, is to declare that the unanimous will of all the French nation, is not to be considered as the will of France. It is to declare that the whole nation is to be considered but as a faction, ever since it has procured its liberty; ever since it has ceased to receive its laws from any one, that it has enacted them itself, that its king executes them, and that every one is bound equally to obey them. The only possible way for a government to have more sacred and legal titles than those of the Constitution of France, is to have it organised in heaven and not on earth. If in fact there existed any governments established by divine right, and kings, on whose heads God even had placed the crown; to dare to interfere with such governments would be an impious madness: all mankind, united in the same views to reform them, would be A FACTION. Amongst barbarous clans, governments may have founded their authority on the fiction of a similar origin: such were the Greeks under the kings of Argos and Mycenæ, who called themselves not only the delegates, but even the issue of the Gods; who pretended not only that their power, but that their nature

was

was divine: such were the savages of America, whose chiefs proved themselves to be the sons of the sun, their God, by wearing a plate of gold on their breast, which bore the image of it. It would require much courage at this day, to revive these impostures as political tenets, which tyrants even treat with derision. This courage, however, the Governors of the Netherlands have shown in their Proclamation. Placing on the same footing their cause and that of God, they announce that their authority, and those which resemble it, have been CONSTITUTED BY GOD ON EARTH, FOR THE GOVERNMENT OF HUMAN SOCIETIES.—They are well assured, that almost all Europe will laugh at this doctrine: but they have reasons to believe, that it might have in the Low Countries at this day, even a different effect; and because the respect, the Brabantines entertain for their religion, be excessive, they flatter themselves it will be blind. And thus it is, that authorities, which are not constituted by the people, make every thing subservient to the purpose of repressing them under the yoke of usurped power, both the errors, the passions, and the virtues even of their

their ſubjects whom they thus delude. It is thus that they avail themſelves of what is held in the greateſt reverence by timid conſciences, in order to conſecrate hereby the moſt audacious and tyrannical ends; and they even make, if it may be ſaid, the Deity himſelf an accomplice in their deſigns. It would be wrong to conſider ſuch doctrines as mere ſpeculations, hardly dangerous in the practice of governments. When an authority is made to be derived from heaven, it is with the view of removing every limit to it on earth, and of making it partake of that unbounded infinity which belongs to the divine nature. On this, as well as on many other objects, we have given the nations of Europe both leſſons and examples. The Stuarts were not atrociouſly wicked princes; but with ſome good ſentiments at heart, they bore in their minds all the maxims of religious deſpotiſm. James I. who made his throne a kind of profeſſor's chair, taught them in his palace; where in other reſpects he governed with moderation. His ſon Charles attempted to put them in practice by acts, which of themſelves were of little importance. But our anceſtors, reflecting

that the deſtiny of nations depends on the opinions they eſpouſe, were ſenſible of the dangers their liberties were expoſed to, under princes, whoſe reign was mild and eaſy, but whoſe tenets were deſpotic; and they were leſs patient under the Stuarts, who claimed *divine right for a moderate royalty*, than under the ſway of the Tudors in the full exerciſe of the moſt blood-ſhedding tyranny.

The Brabantines, whatever criminal hopes their Governors might have built on their religion, will undoubtedly perceive, that to ſerve God, it is not neceſſary to be ſlaves: and that if divine and eternal reaſon like to be repreſented in human ſocieties, it is by the general reaſon and welfare of men, and not by the whim of deſpots: that, in ſhort, if the creator and legiſlator of the Univerſe, who has called mankind to live in ſociety, intended that in empires one alone ſhould make the laws, which the reſt ſhould blindly ſubmit to, he would have enlightened that one, with every neceſſary knowledge, and would have left the reſt without underſtanding or intelligence.

It

It has been ſeen to what a degree the Governors of the Netherlands pretend to miſunderſtand the rights, which are in common to every people, ſince they are the rights of men: it will be ſhown now to what a degree they have disfigured the intentions of the French nation. *It is not*, ſay they, *againſt the princes* OF THE EARTH THAT THEY ARE GOING TO WAGE WAR: IT IS AGAINST THE RELIGION OF OUR FATHERS, AGAINST THE GOVERNMENT OF SOCIETY, AGAINST THE HAPPINESS AND CONSOLATION WHICH ARE THE FRUIT OF IT. Thus, becauſe at the ſame time the French have granted to all worſhips that liberty which the goſpel enjoins to be left to every conſcience, they have aſſigned a ſpecial allowance out of the public revenue to the religion of their fathers, the Governors of the Netherlands accuſe them of WAGING WAR AGAINST RELIGION. Thus, though every being endued with any ſenſibility, thoſe who are guided by inſtinct as well as thoſe who are guided by reaſon, thoſe who are miſchievous as well as thoſe who are inoffenſive, all tend by an eternal and unchangeable law of nature neceſſarily towards happineſs: the Governors

of the Netherlands pretend that the French are in arms against this mild law, against happiness itself! Thus for three years past the French have been employed in the midst of dangers and incessant labour, in abolishing a government destructive both at home and abroad, and in substituting in its stead an order of things which should extend to all the members of the empire, *the consolations and benefits* of society; and to Europe the blessings of peace and fraternity: and yet the Governors of the Netherlands proclaim to all the world, that the French will not partake of these benefits and consolations: and that they wage war, not against ONE species of government, but against ANY government of society whatever! Such a strange manner of reasoning must, one would be led to think, particularly appertain to the nature of a *Proclamation:* for it is every where to be found in the Proclamation of the Governors of the Netherlands.

They add, *Having plunged their own country in all the evils of anarchy by the effect of their absurd systems, jealous of the felicity of countries, which still enjoy the advantages of order in society, they have, with the view of maintaining themselves in it, propagated the*

*cruel*

*cruel project of inspiring them with the same delirium.* It is the nature of man; it is, I do not say in his virtues but in his weakness, that when a prey to adversity, if the happiness of others does not insult his miseries, it offers itself to him as a hope and a resource, just as offers itself, to the unfortunate mortal who is on the point of being swallowed up by a tempestuous sea, the tranquil shore, on which are assembled men whom pity alone can touch. And yet the Governors of the Netherlands assert, that the French, in the *abyss* of all their disasters and misfortunes, are resolved, in order to MAINTAIN themselves in it, to involve every other country; that they see no other consolation in the calamities which overwhelm them, than that of propagating them throughout the globe, and of defacing every where the image of that happiness they had resolved to lose. If unhappily it was not this kind of delirium, which we have seen these despots but too often inspired with at the very name of a free people, we should say that such assertions were outrages not only against the French but against human nature. It was this delirium which actuated Louis XIV. when he attempted to

impoſe upon us a king, whom the nation reprobated with horror. It is in this way that tyrants have always dealt with free nations. This is the opinion they form of them in their rage and their terrors; and the opinion would be juſt, did a free people reſemble tyrants.

To have fulfilled the object of this Proclamation the Governors of the Netherlands ought indiſpenſably to have proved that it is France, and not Auſtria, that has provoked the war. This indeed is what they leaſt attend to; and it is eaſily perceived in the facts which they alledge, and thoſe they diſſimulate, how much they deſpair of throwing a veil on the truth, which will lay to the charge of the Houſe of Auſtria all the blood that will be ſpilt betwixt theſe two nations.

What do they reproach France with?

Firſt of all, with having RECEIVED the Brabantines on their frontiers, who had attempted a Revolution in their country. It is not very clear what ſenſe they attach to the word RECEIVED. It certainly is true, that a free country being alſo eſſentially a hoſpitable country, France has remained open to all men

who

who chooſed to viſit it in the act of forming its conſtitution. There is ſomething more particular in the caſe of the Brabantines; and it is this. At the period when ſo many ſtorms burſt around them and threatened their exiſtence, and that of their riſing liberties, the Conſtituting Aſſembly of France was ſollicited by the people of Brabant in inſurrection, to form an alliance which was demanded from ſo great a conformity of cauſes of mutual intereſt and danger. No member of that aſſembly could doubt but that the Houſe of Auſtria would ſoon ſhow itſelf the enemy of the liberty of France, and of the example it had given to all nations; no one could be ignorant how much the treaty of 1756 was inimical to the intereſt of that nation which it rather chained than connected to Auſtria. The National Aſſembly notwithſtanding kept the faith of France on that treaty; and whilſt they refuſed the alliance of the Brabantines, they manifeſted to all Europe that though they had declared the rights of all nations, they defended only thoſe of France. A great number of people, chiefly from Brabant, have ſince, and at the time of the firſt ſittings of the preſent legiſlature in France, reſorted and

kept together, in one of the departments bordering on the Netherlands. Nothing however announced whether they were the enemies of Auſtria or of France. They might have been ſuſpected of hoſtile intentions, and yet no rigour was exerciſed againſt them: favourable intentions might have been imputed to them, and yet no particular favour was granted them. The National Aſſembly only directed that care ſhould be taken that they aſſembled not in great numbers, nor in arms, nor too near to the frontiers. It equally fulfilled hereby what it owed to the ſafety of France, to its engagements with Auſtria, and to the laws of hoſpitality.

This is the manner in which France has conducted itſelf, and ſuch have been its proceedings towards Auſtria.

The Governors of the Netherlands were ſo truly ſenſible that France was irreproachable in all its meaſures towards Auſtria, that paſſing rapidly over theſe facts, they think fit at laſt to inculpate, in a Proclamation of War, the pamphlets written by ſome Frenchmen, and the ſpeeches delivered in a club at Paris.

Are

Are the authors of a few pamphlets France? Is a club the nation?

France is no where but in its representatives; in their body is its political existence exclusively concentrated. Out of their assembly are to be found only public officers, individuals, parts of the empire, but not the nation. When the decrees of its representatives are irreproachable, complaints may be be addressed to them, but never reproaches.

The representatives of France, who were to free it from its chains, were in duty bound to destroy those fetters, which for ages past have kept the human mind in such shameful prejudices, and the thoughts of enlightened men in such painful silence. They have restored entire liberty to the press. The unlimited liberty of the press, the greatest blessing any nation can receive at every period of civilization, was more especially necessary to France, at a time when engaged in creating a constitution wholly new in all its parts, it stood in need of inviting every idea and information on a work which had no model but in the conceptions of men of genius. No

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one could expect that in the first moments of the possession of so great a benefit it would be enjoyed with moderation and circumspection. Some inconveniencies attend even the liberty of the press, to which every one must learn to submit. Whilst it diffuses instruction into every mind, and warmth into every breast, it is liable to excite some temporary storm. From the same press may issue a book that will enlighten the world for ages to come, and a pamphlet that may for a few days disturb and mislead some opinions.

The inconveniencies of the absolute liberty of the press have been grievously felt by the representatives of France. The blasphemies of aristocracy against liberty, and the furies of licentiousness against the laws and order of society, were promiscuously distributed in the very avenues of the National Assembly in the same day, and often by the same hands. But the legislators of France hold human reason in too much honor; they place too much confidence in it to fear, that in its contest with falsehood and errors, truth can ever lose the victory: and, in fact, experience has shown, that whenever it has been left to its

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own force and to the power of time, the combats of truth have always been followed by a triumph—a triumph which insures advantages much more important than those of that silence of the minds of men, which in reality bespeaks not peace, but death. But the Governors of the Netherlands, and in general all those powers who entertain so great a dread of the liberty of the press, do not, perhaps, avow the whole of their disquietudes. They talk only of its abuses. Those abuses are little to be feared, by such as have reason on their side. Reason will soon stifle them. But what is it then? And what are these terrors which nothing can dispel.—Who does not conjecture or rather perceive the cause? It is reason itself which they fear; and they well know that, with the liberty of the press, it is more powerful than all powers, and that it soon ranges every force on its side.

The societies which the Governors of the Netherlands speak of, that is to say, the Clubs of the Jacobins, although they have no kind of political existence in France, are, without doubt, AUTHORISED. But it is very far from being the case, either in France, or even in these societies, that every

thing that is ſaid at their tribunes is authoriſed or approved. Many men of very well informed minds, and many friends of liberty and humanity frequent theſe ſocieties, becauſe they find that the love of EQUALITY, which is the principle and life of their conſtitution, and of the popularity in which its power conſiſts, reigns there in a very high degree. But there reſort perſons likewiſe of warm and unenlightened minds, who are incapable of perceiving that the limits of liberty are its firmeſt ſupports; who, unable to argue with judgement, talk with vehemence, and have the folly to believe that they direct the nation, becauſe they rouſe and agitate the galleries. Their audience is condemned to hear them; but no one is condemned to remember the clamours they utter; and they are ſoon forgot, unleſs reaſon, armed with the ſcourge of ridicule, make an example of it, and render their delirium ſerviceable for public inſtruction. But ſuch is the artifice of thoſe whoſe intereſt it is to decry the French Revolution, that they endeavour to confound thoſe ſocieties that are friendly to the conſtitution, with ſuch of their members as ought to be rejected from them; the decrees of the

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National Aſſembly, with thoſe tumultuous deliberations wherein patriotiſm takes fire and breaks forth without bounds; and the tranſactions which take place in France, with the inflammatory diſcourſes that are ſometimes held in certain tribunes. With equal juſtice might judgement be paſſed on the ſound ſenſe of this country, ſolely from the late political productions of Mr. Burke.

The political and religious liberty of our own country, and the freedom of its preſs, have likewiſe been objects of ſcandal and terror to the ſuperſtitious, and to the deſpots of Europe. They congratulated themſelves to have their ſubjects ſeparated by the ocean from our examples, and from what they termed, our ſtorms. The liberty of the preſs, and freedom of ſpeech, have never been ſo extenſively enjoyed in this country as ſince the Revolution of 1688. And yet never was the order of ſociety productive of fruits of a more abundant proſperity, in the midſt of the profoundeſt calm. The deſpots of Europe, even now, confeſs that England is as happy as ſhe is free and powerful; and all their hatred is collected againſt France, which, in

its turn, sets forth to all nations, the example and principles of liberty; and offers it nearer them, and in a language more universally extensive. Whatever might have been the disorders necessarily attending such a Revolution as that of France, were France to be left to herself, they soon would cease. Time and reflection would heal the wounds caused by that enthusiasm, without which no Revolution ever existed. France, like Great Britain, will prove to the whole world, (which henceforth will look up to these two empires for its models,) that liberty is sufficiently powerful in principles of order and justice, to make its storms even serve to impregnate every seed of happiness, namely reason, respect for the laws, and that still more sublime sentiment, which, joined with patriotism, is universally beneficial in all places and ages, humanity, the last fruit of human nature and of improved civilization.

These, however, are the only assertions the Governors of the Netherlands have been able to advance, in order to prove that the French are the aggressors. Every thing they alledge to prove that it is not Austria that provoked the

the war, is ſtill more deficient of truth and probability. And, undoubtedly, when the Houſe of Auſtria is accuſed of confederacies and conſpiracies againſt the liberties of a people, it is not accuſed of crimes that are not familiar to it; and all Europe muſt be diſpoſed to give credit to ſuch an accuſation. Both the Empire and the Emperor ſhowed themſelves enemies to, and announced hoſtilities againſt France, the inſtant that it became free.

France, in order to clear the area on which it was to erect the new edifice of its conſtitution, was obliged to begin with eraſing from its ſoil all the remains of the feudal ſyſtem, which ſtill was deeply rooted in it. The German empire, that ſtrange confuſed heap of ſo many different kinds of ſovereignties, of kingdoms, of biſhopricks, of free and imperial towns, and of principalities of every denomination; this vaſt body, compoſed of bodies all different from each other, but all equally erected on the antique baſis of feodality, thought itſelf ſhook to its foundation, when all Germany reſounded with the noiſe, which the gothick pieces of the ancient French government made in their fall. All the feudal

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powers of Germany then took the alarm. At the head of the Germanic body were the Princes of a House, which has persecuted liberty in all the countries of Europe; which made the Swiss spill torrents of their blood before they succeeded to throw off the iron yoke which it had imposed on them; which has deprived Spain of her popular assemblies, of her *Junta*, and her CORTEZ; which has pursued the Batavians to their very marshes with the sword of the ferocious Duke of Alba, and with the torches of the inquisition; and forced, at last, to let seven of their provinces escape, has redoubled the load of its government on the ten which it has retained under its sceptre, or rather under its feet; which has entirely stifled in Italy the voice of liberty awakened by every remembrance of the Roman Republic, and breaking out for ever with energy at Pisa, at Lucca, at Florence, by the side even of the Pope's throne, and invoking from thence the debased minds of Europe to all those virtues, that once honoured that land; which has divested the poor but simple people of Hungary of the independant government nature had given them; which at the very moment that

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Poland invoked all the knowledge of the eighteenth century to correct its antique constitution, entered that kingdom sword and fire in hand, to divide its parts with other usurpers, and to enslave it for ever; which, placed at the head of the Germanic Empire to protect all its parts, and equally to defend the rights of all, constantly employed in annihilating these very rights, has laboured for these ages past, without quitting an instant its plan, to ruin the members of the confederation, to degrade princes who are his equals, to be mere officers of his household; in short, to annihilate every feudal power of the empire, in order to substitute in its place, not the rights of man, and the only lawful sovereignty of the people, but the arbitrary power of a single Chief, of a single King; it is this House, the eternal enemy of the rights of the liberty and of the constitutions of nations, which, engaged in a war against the Turks, which promised the most brilliant success: at the very instant it perceived the first motions of the French Revolution, precipitately concluded a peace with the Turks, and turned all its looks, all its attention, all its projects towards France. Who did not foresee that Germany,

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and eſpecially the States of the Houſe of Auſtria, were to become the rendezvous of all the rancour, the conſpiracies, and the forces deſtined againſt the liberty of France!

Here, in fact, flocked, from all parts of the French empire, without any one giving the word, that multitude of men puffed up heretofore with empty titles, crying aloud that they were ſtripped of every thing, becauſe they were deprived of the gratification of their pride, of ſeeing a whole nation humiliated before them. All pitched on the territories of Germany. They covered the Electorate of Treves, and ſpread themſelves throughout all the ſtates ſubject to Auſtria. France would have wiſhed, ſay the Governors of the Netherlands, to have had them repulſed from every place, and that all over the world they ſhould be denied the rights of hoſpitality. What a calumny againſt a nation, who, by their arts, their works, and their practice has rendered the ſentiments of humanity amongſt all nations more ſacred and mild! No, France has not even expelled them from her boſom; ſhe would no longer give them thoſe titles which cheriſhed the obduracy of their pride; but every Frenchman wiſhed to give

them the title which expresses and awakens the tendereſt ſentiments of the human heart, the title of brothers. But when it was evident to all the world that they were in purſuit neither of hoſpitality nor of relief, but of rouſing enemies and arming them againſt their native country; France, by the voice of her repreſentatives, ſeveral times recalled them to herſelf, and warned them of their machinations againſt her peace. Like a mother, who for a long time holds up her lifted arm before ſhe ſtrikes her guilty children, ſhe has for a long time threatened, before ſhe pronounced any decree or any puniſhment againſt them. Even after ſhe had paſſed laws which prepared chaſtiſements for rebels, ſhe effaced theſe laws of juſtice by laws of grace and clemency; ſhe wiſhed to forget, in a decree of amneſty, every crime committed, and all the wicked attempts meditated during the revolution againſt the ſovereignty of the nation. This is not all. A great number of Counter-revolutioniſts, after having ſhown themſelves in arms at Coblentz, made ſeveral journeys into France. They were known; they were named; they were ſeen frequenting, without any diſguiſe, the public places and

gardens of Paris; it was known that they came from Coblentz, and that they were to return there; it was publicly talked of; they themselves talked of it without reserve: yet the laws, the legislature, the people whom they were in a rage to destroy, watched over their safety. They composedly walked about in the midst of men whom they destined for slaughter. They are at this day in the same army with the Austrian Houlans animating them to carnage; and already on the plains of Mons they have begun to allay their thirst in the blood of their countrymen. There is not a person in all Europe amongst those, who have followed with some attention the affairs and events of France, but who must know these facts and give testimony before all nations and ages of the truth of them. And this is the people whom some endeavour to vilify in the eyes of all mankind, at the very time they show themselves the glory and example of all nations. This is the people whom some would render responsible for crimes committed by villains, who belong not to any nation, since they do not belong even to humanity, of which they are the horror, but who, at this day, are not more

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criminal than that band of pretended French knights polluted with the blood of their countrymen on the plains of Mons.

The moſt formal orders, ſay the Governors of the Netherlands, have been given by the Auſtrian government to diſperſe and prevent, in their ſtates, every aſſembling of emigrants, or of their arms; and they add, that France, who at this preſent time forgets this conduct, preſented it not long ago as a model to other powers.

But France does not contend that theſe orders were not iſſued by the miniſters of the Houſe of Auſtria; ſhe does not contend that the emigrants, inſtead of being heaped up in one town were not diſtributed amongſt ſeveral neighbouring towns. France ſays, what all Europe knows, that the emigrants after, as well as before theſe orders, and their theatrical execution, have received throughout the empire, and more particularly of the Emperor, every mark of friendſhip and protection, great ſupplies, and every promiſe: that, after this diſperſion, which was only the diviſion in ſeveral detachments of a body, which ſtill

preſerved its whole exiſtence, they have enjoyed every means of concerting their meaſures, of rallying their motions, and of uniting in perſon at the ſignal they waited for, that of war: that they had leaders, general officers, miniſters, a treaſury compoſed of loans and preſents from ſeveral powers, ambaſſadors who travelled to every court, and who made that of Vienna their general rendezvous, and in ſhort almoſt another King than Louis the Sixteenth, of whom they no longer ſaid a word that was not adapted to make him loſe the whole confidence of the French. What France ſays, and what has been diſcloſed in the ſight of the whole world, is, that at the very time when the Houſe of Auſtria made the French the ſolemn and repeated proteſtations of its pacific intentions, it kept in hand the ſpring which ſtirred up almoſt all the Kings of Europe againſt the cauſe of the people; it opened conferencies at Pilnitz, betwixt Kings who were rivals and natural enemies to each other, but who abjured their ancient animoſities to unite in their common animoſity againſt the liberty and the rights of man, the name of which

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alone appeared to them an outrage and a threat against the majesty of thrones.

It is even doubtful at this day, whether the House of Austria approves of the efforts, which the Governors of the Netherlands are here making to throw a veil on facts, which itself has drawn aside.

When France said to Leopold: I shall rely on your word—assure me before all the nations who hear us, that you have no intentions of meddling, in any manner, with my internal affairs; that you will withdraw yourself from that sacrilegious combination of despots against my rights, which are those of all mankind: swear peace to me, which I have sworn to all nations: let us mutually disarm: you may bestow on your people the welfare which the renown of your philosophy promises them, whilst I shall be employed in making my liberty and constitution conducive to the prosperity which it assures me.—What was the answer of Leopold? Doubtful and equivocal, in words only. He avowed the conspiracy at Pilnitz, but never was explicit on its nature. He said its effects should be suspended

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on certain conditions, but never explained what they were to be. He reserved to himself and his kingly associates, the right of meddling, whenever they should think proper, in the French constitution. Urged by France to declare his true intentions, his answers were invectives against the Jacobins. He neither announced peace nor war. This alone was tantamount to war against France, because this uncertainty, which forced it to incur ruinous expences in supporting three armies on its frontiers, kept alive the hopes of all the enemies of the Revolution within and without the kingdom, and all those troubles and disturbances, which have been attributed to liberty, and which were excited by its enemies for its destruction.

When these same questions were proposed to the son and successor of Leopold, the answers have been still more hostile. All that the French Ambassador at Vienna could draw from the mouth of the Austrian Minister, was to this effect :—1st, That the combination formed at Pilnitz, betwixt several powers, now appeared to the King of Hungary more necessary than ever, and that he remained fixed

fixed to it. 2dly, That he required that France ſhould reinſtate thoſe Princes who had any feudal tenures in Alſatia, and the Pope, in all their titles and poſſeſſions. 3dly, That there ſtill exiſted betwixt him and France, ſuch other queſtions as could not be decided, till after having tried the force of arms. Nothing here is equivocal: Each of theſe three anſwers is perfectly clear; there is not one of them but what is a declaration of war; and all of them together are the moſt audacious outrages ever committed againſt the *rights of nations*, ſince Europe has iſſued from its ſtate of barbariſm.

What pretext can be urged for the combination and treaty at Pilnitz? That of providing to repel by force every attempt that the French might make to propagate their new principles amongſt other people? But the National Aſſembly of France, has conſecrated the declaration made at its tribune, that France had neither the right nor the miſſion, nor the diſpoſition of undertaking any thing towards the recovery of the liberties of other people, and the reform of their governments; and that ſhe would ever religiouſly

giouſly confine herſelf in that reſpect to the AUTHORITY OF HER EXAMPLES. Did not this declaration, with that of perpetual and univerſal peace, made by the Conſtituting Aſſembly to all Powers; and the offer of diſarming the inſtant the Emperor would on his ſide diſarm, afford ſufficient motives of being fully convinced of the falſhood of thoſe pretended projects of France, of conquering the whole world to liberty and to the rights of man? It was not, therefore, that they feared, that France would introduce its conſtitution elſewhere, but that they wiſhed to ſmother its conſtitution in France itſelf. They were well aſſured, that ſhe would confine herſelf to the influence of her example: but this influence appeared too powerful and too formidable in the eyes of deſpots; and in order to prevent on any ſide the light from reaching their ſlaves, they conſpired to extinguiſh it throughout the globe. It is this war againſt the liberty of France, and againſt that of mankind, that was the true object of the treaty at Pilnitz; and to declare the reſolution of not breaking the treaty, is to declare the reſolution of making this ſacrilegious war.

To require, not an indemnity for the Princes who had poſſeſſions in Alſatia, which France has always offered, but a *re-inſtatement* incompatible with the conſtitution, was likewiſe to declare in another manner, that it was their determined reſolution, that this Conſtitution, which has excited all the pride of the earth againſt it, ſhould be annihilated, and France *re-inſtated* under its ancient government. The indemnities might be eſtimated much above the POSSESSIONS, and be worth more; but the *re-inſtatement* in poſſeſſions, very pitiful of themſelves, would be a violation of the Conſtitution of France; and to the enemies of that Conſtitution, would thereby become highly valuable.

What ſuch very great intereſt can the King of Bohemia and Hungary, the nephew of Joſeph II. take to become the champion of the Pope? When Joſeph the Second had diſputes with the ſpiritual Head of the Catholic faith, which it was ſo eaſy to turn to the diſadvantage of the Head of the German Empire, did France interfere in theſe quarrels? The conduct of the Repreſentatives of France, with reſpect to Avignon, will

always appear worthy of every encomium, in the eyes of those, who have any consideration for THE RIGHTS OF MEN. France had historical titles on the sovereignty of Avignon, more lawful than those of the Pope; and her representatives, after long debate, refused to declare, that Avignon belonged to France. They did not put into the scales the rights of history with the rights of nature. It was the Avignonois, not who gave themselves, for France would not have permitted it, but who re-united themselves to France; and this is what the despots of Pilnitz can pardon the least. According to their notions of morality, Princes may at their pleasure invade the rights of foreign kingdoms. They may parcel them out; divide their inhabitants as a herd of brutes; and take each of them their share in this shameless bargain. But they never will allow the people to believe, that they can of themselves dispose of their destinies. They are sensible that there is an end to despotism, the instant that the people reunite to be free. Supposing the reunion of Avignon to France can be attended with any detriment to the Pope, the National Assembly, ever consistent

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in its regard to the ſtricteſt juſtice, has offered a competent compenſation.

But what words are theſe: *There are other queſtions, which cannot be decided, till after having tried the force of arms?* Theſe other queſtions the King of Hungary and Bohemia will not even make known.—If they are grievances, France would perhaps pay attention to them; and yet he will not even articulate them, although for theſe very grievances he is reſolved to make war! Amongſt Princes the moſt famous for their devaſtations, there has not been one till the preſent day, who has ſhown ſuch an indifference for the deteſtation of mankind, as to ſay to a people whom he attacked: *I am reſolved to cut your throats, but you ſhall not know why.* Theſe motives of hoſtility, which he keeps ſecret, at the ſame time that he ſharpens the ſword for action, the King of Hungary and Bohemia calls *queſtions*; and as if the hopes of ſpilling much blood, invited him to deriſion and merriment; he adds, that they cannot be decided, but by the force of arms! Thus carnage appears to him an excellent means of clearing up political queſtions!

It is not perhaps very difficult to penetrate the myſtery and nature of theſe queſtions. It is not very difficult to perceive that theſe are the very queſtions, which have given riſe to the coalition of the Kings at Pilnitz; the very queſtions for which Leopold for this year paſt has prepared war; and the ſon of Leopold is in the right to ſuppoſe that France will not diſcuſs theſe queſtions with him, but with their armies in battle array. When Louis the Fourteenth, who rendered the thirſt of abſolute power ſtill more fatal to his own than to other nations, endeavoured (as it has been obſerved) to compel our anceſtors to reſtore James II. to the Throne which he had deſerted; they anſwered him, by ſurrounding our iſland with the ramparts of our fleets. The cauſe of the French is the ſame, and they have the ſame courage. Events will decide on which ſide ſucceſs, and on which ſide misfortune ſhall be. But the juſtice of ages, which is proclaimed by every free voice in Europe, has declared, that the wicked cauſe is that of the Houſe of Auſtria, and the good cauſe that of the French Nation.

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The Governors of the Netherlands, like all the enemies of the new laws of France, do not consider themselves on strong ground, when they attack the principles of these laws. They call them *metaphysical*, *chimerical*; and to impress the Brabanines with a greater horror, *heretical*; but they do not discuss them. Where they triumph the most, is in the picture of the disasters to which France, according to them, is become the prey by its Revolution. And, in fact, as whatever is true of these pretended disasters is wholly their work, it is a subject they are the best acquainted with. But even in this they are mistaken; and in spite of all the mischief they have excited in France, she is not so wretched as they wish, and as they represent her. Amongst what they consider as calamities, which they take a delight to describe, there are advantages and benefits, which every enlightened people should have the ambition to possess and conquer. But who is not acquainted with that worn-out artifice of despots, who at all times endeavoured to terrify their slaves, by the most hideous pictures of the evils attending on Revolutions and on free Constitutions?

Liberty, which emboldens every idea, in order to give birth to every truth, prepares the beſt laws by uſeful conteſts betwixt all opinions. At firſt all reſounds with the tumult of this conflict of words, and of the minds of men; and then the enemies of liberty cry aloud, *See how it ſets every thing at variance; how its approach is the ſignal of every diſturbance; and how impoſſible it is for a people to live free and in peace!* Scarce have they ſpoken, when from the midſt of theſe conflicts, which ſeemed to involve every thing in ruin, truth's iſſue, whoſe irreſiſtible force ſtrikes every mind. The triumph is for the conquered equally as for the conquerors, and nothing is ſacrificed in theſe wars, but thoſe prejudices which deſolate the earth, and that pride which ſtrives to keep it in ſubjection.

A great Revolution, like that of France, where there is ſo much to deſtroy, and ſo much to create, cannot fail to be attended with long concuſſions. The earth, if we may be allowed the expreſſion, every where opening to immenſe depths, either to force out the old foundations, or to lay the new

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ones, seems to present nothing but abysses; and whilst, for the short time it trembles, the enemies of liberty attribute these shiverings of its birth to its nature; and they cry aloud to the people—*This is the destiny, which this fatal liberty you are so attached to, prepares for you. You will live in the midst of storms and gulfs, which every instant open beneath you, like in the midst of a sea, for ever exposed to tempestuous winds.* This was the language that was used to our ancestors, when they sacrificed every thing to procure this liberty which they adored, and which they then knew only by the blood they had spilt for it. These storms, that anarchy, that fury of parties, which according to these prognosticators are to last for ever, have long since subsided in this country. The only stir we are sensible of, is that of industry, of agriculture, and of commerce, which flourish amongst us in a state of perfection and prosperity, scarce ever attained by any other nation. And whilst we thus enjoy in peace these blessings, which our liberty secures us, we celebrate every day the triumphs we have gained over the tyrants and errors which would have enslaved us. And may we con-

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tinue by our wisdom, to be the example of felicity to all mankind in all ages!

The rising liberty of France had two kinds of enemies to contend with, equally formidable. Aristocracy, capable of the most outrageous attempts in the defence of its ruins; and the vices of misery generated under the ancient government, ever ready to make invasions on the new. The enemies of the Revolution have themselves committed the outrages of aristocracy. They have fomented and paid the vices of misery; and they have imputed their crimes, and the vices of others, to liberty. Such, in short, is the delirium; such is the iniquity of these accusations made by those who will be tyrants, to those who will not be slaves; that the emigrants of France fighting by the side of the Houlans, and in the army of the Austrians, reckon amongst the crimes of liberty the present parricidious war, which they make against liberty and against their own native country.

But let us hear the Governors of the Netherlands tracing the picture of the actual state of France, in order to terrify the Brabantines,

bantines. They do not in the leaſt intimate who has furniſhed them with their information; it may however be eaſily believed, that the emigrants have not left them in want of materials. The very contents of the Proclamation fully beſpeak the perſons, who for theſe two years paſt have ſtrived to miſlead Europe. *The people groan*, ſay they, *in that country, under the name of liberty, in the moſt ſhameful ſlavery of every vice.* If this be the caſe, why then do thoſe, who entertain ſuch hatred againſt liberty, give themſelves ſo much pains to deſtroy it? Leave theſe vices to operate, and they ſoon will deſtroy every veſtige of liberty. Without virtue liberty cannot maintain itſelf; and this maxim of experience has been practiſed equally by legiſlators of Republics, who have given themſelves ſo much pains to eſtabliſh liberty on virtue, as by deſpots and the moſt abſolute monarchs, whoſe deepeſt politics have been to ſpread every vice in order to be ſure of having no enemies. The Governors of the Netherlands imagine, perhaps, that morals were purer in France, when they were formed under the models of the morals of the

court of Louis the Fourteenth, of the Regent, and of Louis the Fifteenth!

THERE WOULD NO LONGER EXIST ANY RIGHT OR PROPERTY. Undoubtedly it would be very lamentable were it the caſe, that a very enlightened people, who has endeavoured to free their property from all feudal incumbrances, and their rights from all royal and ariſtocratical tyrannies, ſhould in this very operation have loſt both their *rights* and their *property*. But it is to be underſtood in a different ſenſe. In the language of the Governors of the Netherlands, the meaning is, that property no longer exiſts, becauſe property is no longer oppreſſed with grievous quit rents without a title; and that there exiſt no longer any rights, becauſe the rights of all men have been eſtabliſhed, and all privileges have been aboliſhed. Thus it is ſeen to what an oblivion of the nature both of things and of men, are thoſe led, who, living for ever at the feet of thrones, and at the expence of the people, are accuſtomed to conſider rights as chimeras, privileges as rights, nobility as *every thing*, and mankind as *nothing*. Theſe artifices of the enemies

of

of liberty and political equality are well known. They ceaſe not for a moment, in order to rally the landholders to their ſide, making an outcry, that property is threatened with the ſame fate as the titles, and that thoſe, who are for equality amongſt men, are likewiſe for equality of fortune. This outcry has never cauſed an inſtant of alarm amongſt the landholders of France; and never has the ſacred principle of property, on which is erected every great political aſſociation at this day known on the globe, been recognized and laid anew with greater ſolemnity, than by the Conſtituting National Aſſembly of France. Every one of its decrees is founded on this principle; and this principle in its turn is confirmed by every one of its decrees. Even in all the diſturbances of inſurrections, and amongſt the outrages committed by an exaſperated mob, in which they have united an almoſt incredible mixture of violation of, and reſpect for the laws, the property of thoſe, on whom they intended to take vengeance was deſtroyed, but not pillaged. The guilty hands of devaſtation were not polluted with theft; and incendiaries have been ſeen faithfully to bring from

the midſt of the flames the gold and ſilver, and furniture of value, which had not been conſumed. It is not more juſt to impute theſe crimes to the French nation, than it would be juſt to impute to our own nation the deſtructions committed by the enraged mob, whom the ſpeeches of a Gordon, or the bigoted cries of ſome ill-deſigning fanatics of Birmingham had armed with hatchets and torches. Theſe crimes have been repreſſed and put a ſtop to by that great public force, which liberty and the conſtitution in France have created for the protection of the rights and properties of all—by three millions of National Guards.

*The holy religion*, ſay they, which the French profeſs, *has been openly trampled under feet. Their altars have been profaned—their true miniſters deſtituted. They have gone ſo far as to ſtrip the very curates of their clerical veſtments which were deſtined to diſtinguiſh them from their flock.* How many things do theſe words contain ſuited to miſlead the ſuperſtitious, and to excite religion and reaſon to indignation! What tenet of faith, what tradition of the church, what form of ceremony,

what syllable of the Catholic creed or liturgy have the representatives of France in the least meddled with? Have they, like our parliament under Henry the Eighth, compelled the priests to acknowledge another Supreme Head of the Church than that they were wont to submit to? Have they, like another parliament under queen Elizabeth, ordered them to abjure any part of their religious creed? Have they denounced such impious disabilities and penalties on those, who should any ways differ in point of faith from the established Church? No. Such imputations the Governors of the Netherlands, however willing to defame the French nation, were not audacious enough to articulate. They talk of *altars having been profaned*, and they cannot alledge a law of the National Assembly of France which has any tendency to profanation. The only alterations which have taken place, have been with respect to the mode of nomination to the various degrees, not of the priesthood, but of the service of the public worship, to the intent of bringing it back to the practice of the primitive Church;—with respect to the number of the great dignitaries of the Church, to reduce it to that which the

extent

extent and division of the kingdom require, without detracting the least from the sacerdotal character which is acknowledged as indelible: — and, lastly, with respect to the *salaries*, which are ever to remain a debt of the state, but the nature of which must necessarily have been changed for these three evident reasons; in order, *first*, to remove from the bosom of the Church, and of society, the scandal of the poverty of those who serve the altars, and of the luxury and opulence of those, who some times mounted its steps solely to take from thence corrupting treasures, titles of magnificence, and a pride which they sought to display with ostentation in the midst of the voluptuousness and dissipation of the world; 2*dly*, in order to engage the ministers of religion to consecrate every moment of their lives to the cultivation of every christian virtue amongst their flocks, instead of devoting it to schemes of ambition and plans of aggrandisement; and, 3*dly*, in order to reimburse the public treasure, almost wholly reduced to penury; and to restore the nation to the possession of that property which was its own, and of which the clergy had the administration solely to the intent of paying the

ministers

ministers of religion, and of charitably relieving the poor. The Patriotic clergy, to whom the Governors of the Netherlands give the name of *interlopers*, have all entered into the orders of priesthood, and been installed by those whom they call the true ministers. All of them were priests before the Revolution; and the only difference that can be discovered betwixt the one and the other, is, that the former are priests and citizens, and that the latter, desirous of being priests only, are not even that; since the first duty which religion commands to its professors, and, above all, to its ministers, is submission to the laws and lawful powers of society. But what is very remarkable, the Governors of the Netherlands, after having depicted religion as *trampled under feet*, and the altars as *profaned*, desirous of rendering the picture still more terrifying, and as if they wished to reserve the blackest trait for the last, add, they have gone SO FAR, *as to strip the very curates of their clerical dress*. As if there was something more sacred in this dress than in the service of the altar, or in religion itself! As if the gospel, which has instituted so many new virtues, had instituted any particular *dress* for its apostles. And in short,

ſhort, as if this ſame religion which preſcribes to all *to pluck out the eye*, that gave occaſion of ſcandal, did not preſcribe them to pluck away the *garment* which might attract and excite fanaticiſm, revolt, and murder around it!—No. However great the blindneſs may be, which invariably attends the agents of arbitrary and abſolute power, ſuch truths as theſe cannot be unknown to the Governors of the Netherlands. But it is not either their prejudices, nor their conſciences which ſpeak here. It is that hypocritical policy, which aſſumes the accent and language of prejudice to turn it in its favour, againſt the liberty and rights of men, as well as againſt their reaſon.

The Governors of the Netherlands are well appriſed that ſuperſtition, which is attached to every thing that ſtrikes the ſenſes, confounds the prieſt with his garment; and when it no longer ſees the garment, thinks it no longer ſees the prieſt. They conſider the religion of the Brabantines as being wholly ſuperſtition; and this is the reaſon why they repreſent to them the abolition of *a dreſs*, which is become dangerous to religion itſelf, as the height of impiety. Such is the ſacrile-

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gious uſe, which deſpots have ever made of the faith and the religion of a people. In their deſigns of becoming the Gods of the Earth, they have conſtantly endeavoured to ally their power with the power of God; of whom they have not feared to call themſelves, in ſome ſort, the protectors. And the effect of thoſe treaties, in which God is made an inſtrument through the intervention of miniſters, whom it is but too eaſy to ſeduce, and of which deſpots preſcribe at their will the conditions, is, to make the altar ſubſervient to the view of turning towards the throne the adorations of men.—It is, to teach the people thoſe tenets only, which, above all things, render them ſlaves.

It was to be expected that the Governors of the Netherlands would pronounce with horror the word of EQUALITY OF RIGHTS; but it is ſomewhat ſurpriſing, that, in a declaration of war, they ſhould enter into a kind of diſſertation on the philoſophical acceptation of this word EQUALITY. When ſword in hand they endeavour to annihilate equality, they exerciſe their trade; but they depart from it widely, when they endeavour to define

equality and discuss its nature. *This imaginary equality*, say they, *is null in fact, and is destroyed at the very instant it might exist, by that variety which the Creator impresses on the characters of men from the very moment of their birth, by distributing their moral faculties in very unequal proportions.* From these few words, in other respects very confused and obscure, it may be seen that the Governors of the Netherlands strive to confound, and probably confound themselves, *the equality of rights*, with *the equality of abilities.* Assuredly no one in France, or elsewhere, has ever had the folly to believe, that so many weak Princes and Governors, who, from the height of their thrones have so often made their stupidity descend upon their people, were equal in abilities to those uncommon geniuses, who from their closets retired and alone have enlightened all the nations of the earth. It is well known that James II. had not the soul of Sidney, nor the philosophy of Locke; and that Louis the Fifteenth would never have written the Spirit of Laws like Montesquieu. Every instructed man and good citizen in France thinks and professes, as the first tenet of society, that nature has given to every man

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the right of governing himself, and of obeying no one but his own will. These rights, equally given to all, is what constitutes their natural equality. They cannot exercise it in society; but neither should they lose it there. They preserve it, by all equally concurring, in the immediate popular constitutions towards the formation of laws, and in the representative popular constitutions towards the election of legislators. It is this *equality of concurrence* in the nomination of legislators, or in the formation of laws, which maintains and which even gives a greater perfection in the true system of society, to the natural equality of rights. This is the tenet of equality, such as it is established by nature, proved by reason, adopted by France, and adored by all people; by them even, who still being slaves like the Brabantines, raise their looks from beneath the feet of their tyrants towards liberty, virtue, and happiness.

After having proved, as it has been seen, that in France individuals are without property and without right, and religion without priests or altars, the Governors of the Netherlands add, that the whole kingdom *is without*

*trade, without circulation of money or provisions, without public force, without justice, without police.* Another stroke this to aghast the Brabantines. If such be the state of France, why did the House of Austria, why did the King of Prussia, why did so many Kings and Powers league themselves against her at Pilnitz? Do they take up arms to destroy her? Is not her ruin already compleated? What does their vengeance want more? What are they conspiring in addition to her disasters?

The sentiments of Europe and of the English, (and many of our countrymen have visited France during its Revolution, and made it the object of their observations,) have been to this purport. Undoubtedly a great number of the commercial relations of France, abroad, and with its colonies, have been disturbed, suspended, or put a stop to, as were those of this country in the crisis of its Revolutions; after which they took so prodigious an encrease of extent and activity. But in these days even of disturbance which necessarily precede and attend a total re-creation of the civil constitution of society in so vast an empire as France, several branches of commerce almost wholly

decayed

decayed have taken fresh roots and fresh life. Manufactories, which were deserted, are crowded with workmen. Work-yards, wherein no business was done, are set up again, and an immense quantity of goods are there manufactured, for which demands have been sent from all parts of Europe. The first of all work-yards, the first of all manufactories, the land of France, tilled for the first time by hands of freemen, has been more fruitful than ever, and more richly laden with its productions of all kinds. If the calamities of a tempest have in some parts of the country robbed the cultivator of his hopes, national munificence has answered all the cries of necessity.

Gold and silver in specie have disappeared, for a time only, from circulation, and this just at the period when all the channels of circulation were filled by another money, by paper, which at first obtained full public confidence, and which afterwards suffered some loss, a loss, however, infinitely less than that of any other known paper money, and which takes place solely in respect to specie, because the specie has not only disappeared, but it has been

locked

locked up with the design of procuring a higher price for it; a paper, in short, which has served for these two years past, throughout the whole kingdom, for the payment of all debts, of all work, of all the purposes of exchange, and of interior commercial transactions of every nature; and which, losing itself every day in great portions in the acquisition of national demesnes, which serve as a pledge for it, hastens every day the period, when, quitting wholly the channels of circulation, it will leave them empty to the gold and silver, which will then readily flow into them from every side.

The Governors of the Netherlands imagine, that because there are no longer any Parliaments in France, there is no longer any justice! In France, they think that they have had justice administered them, only since they no longer have had any Parliaments. Their very destruction is considered as the greatest act of justice ever performed amidst that nation. What will redound to the eternal honour of this people, calumniated with so much rage and artifice by the tyrants and slaves of all Europe, is, that except the bloody

outrages

outrages committed in the delirium of insurrections, neither murder, nor theft, nor, in short, any kind of crimes have been more frequent in that country during the interval when it necessarily remained without courts of justice. At this day, new courts of judicature, which possess the entire confidence of the people, because they are organised by their representatives, and the people nominate the judges, are distributed throughout the whole Empire. The principles and examples of this country have afforded instruction and models to the new justice of France. That institution, which formerly belonged to all Europe, and which the tyranny of the Justinian law every where destroyed, but which our country, who has preserved and improved it, considers as the bulwark of our political, and the greatest extention of our civil liberty, JURIES, are established in France. In every part of the kingdom they are in the exercise of their functions; and the VERDICTS they have given, have every where merited the benedictions of the People; and have been considered as the oracles of that justice, which seems as descended from heaven, when it is administered by the purity of reason and hu-

man conſcience. The proceedings at criminal law are no longer that dark and perfidious offſpring of the bloody Inquiſition, which in every priſoner ſought for a victim. It is now a free, candid, and open diſcuſſion; where every means of a lawful defence is afforded the accuſed, and where the eternal rights of mankind are religiouſly obſerved. The inequalities, ſcandalous to humanity, betwixt the puniſhments of a noble, and a man who had committed the ſame crime, have been effaced. Puniſhments themſelves, which formerly changed juſtice into a ferocious art of refining, aſcertaining, and prolonging pain, have been reſtored to their true deſtination. Dreadful to the ſpectator, on whom they leave a deep impreſſion of terror, they allow not the unhappy mortal, who has already undergone his puniſhment in hearing his ſentence, the time to feel the blow of death he receives. And it is of a nation, which has juſt made ſuch important, ſuch numerous, and ſuch happy changes in the adminiſtration of its juſtice, that the Governors of the Netherlands ſay, that it has no longer any juſtice!

What

What they ſay of its police, has no greater foundation in truth. *The police*, which no longer exiſts in France, and whoſe abolition is one of the firſt bleſſings of liberty, is that infamous art of ſpying, which employed an army of highwaymen to watch over pick-pockets; which corrupted public morals, in order to maintain tranquility; which poſted a traitor by the ſide of an honeſt man to ſpy out his thoughts, and to repreſs every great, liberal and generous ſentiment. In a word, that art created by tyrants, and become their favourite inſtrument, continually interpoſed deſpotiſm betwixt the laws and the upright man, to ruin him, and betwixt the laws and the villain to ſave him. Yes, undoubtedly, this police, of which the Miniſters of the Houſe of Auſtria ſo bitterly deplore the loſs, fell in France under the firſt blow which demoliſhed deſpotiſm and the Baſtille. Thanks be given to its deſtructors in the name of liberty, of the laws, of morals, and of humanity! How much would the enemies of the Revolution, the Emigrants, and the Governors of the Netherlands, have wiſhed both at the time of its deſtruction, and ſince, that there had been no police in France! How

 much

much would this have favoured the plots which they have so often hatched, and the conspiracies whose success appeared to them so often certain! But their most secret machinations have been discovered; their most artful conspiracies have been defeated; and thus at every instant to have balked crimes which watch in the shade, and accomplices bound to mystery by such inviolable interest, must there not have been infallibly a POLICE in France. In fact, there does exist one. But it is not the same that the Governors of the Netherlands regret. If ever there was any thing, that was worthy of the attention of those who observe human nature in the great agitations of society, it is the conduct of the capital and principal towns of France, in those critical and alarming days for liberty, when dangers excited by those whose office was to maintain peace and order, were put a stop to by the populace in tumult and rage; when public magistrates abandoned their posts, and when the authority of those who remained faithful to their duty was of no effect, and as it may be said, suspended by the general rising of the nation; when every criminal passion might have so easily found some

honourable pretexts, and when it was so difficult to impose restraints on revolutionary passions, which it was necessary to encourage and applaud. In these moments the people have been seen of themselves directing the violent agitations, with which they were carried away. They have been seen submitting to authorities, which had no other force than that they choose to give it; and which had no other influence over them than that of their respect for reason; and when every thing seemed to be involved in confusion, order prevailed. The police was supported by the sublimest of all sentiments, communicated at once to millions of men of every class. The history of this age will not present a more glorious picture for admiration, than that of the countenance of the people of Paris, on the day of the 21st of June, and the following ones. But whatever is sublime cannot be in the ordinary state of things; and laws must regulate the daily purposes of the Police. A code for the Police has been decreed by the Constituting Assembly. The administration of these laws has been distributed, according to certain views, to all the magistrates; who hereby are all in-

terested to watch over public order, and to watch over each other; and a National GENDARMERIE has been established for the execution of their orders, the greatest public force, that the legal police of any country ever had under its command.

Such is the veracity, such the accuracy of representation, by which the Governors of the Netherlands have pretended to make known the actual state of France. Who can awake from astonishment, when he reflects, that it is by such assertions, and by such reasons, which have been just examined, that the Governors of the Netherlands hope to impose upon the people, to whom their Proclamation is addressed. But this Proclamation has been followed by another Proclamation, an ADVERTENCE signed by Marshal Bender. In this the Marshal apprises those, who might not be convinced by the Proclamation of the Governors, that if they attempt to inflame the minds of the people, (that is, to instruct them) either by discourses or otherwise, *fire arms and* * *les armes blanches*

* *Les armes blanches*—Swords, pikes, &c. such arms as are not fire arms.

will

will be employed against them; that is to say, both the one and the other. Thus the Governors of the Netherlands, not much relying on the force of their reasons, place a great reliance on their bayonets.

People of Europe—Thus it is, that a small number of men, who call themselves your masters, understand to decide the question of your rights, and of their pretensions. The last form of their argumentation, is to place you betwixt *fire arms* and *les armes blanches*. Reason, justice, liberty, order of society, are ye nothing but empty names!

Hear these tyrants, when they attempt to stifle liberty amongst a people, in the midst of whom it strives to gain existence: they tell you, that its birth is inevitably attended with convulsions, and that it reserves its prosperity for people, whose principles and character it has formed through a long succession of time; and yet they fall sword in hand upon liberty, and annihilate it in Sweden, where it has been established for these ages past, and where it was so easy to improve and eternize it, in a country where frugality and simplicity

city of morals so eminently prevailed: but what they add to their imprecations and threats against the Revolution of France, were they to be credited, they cannot, say they, endure those troubles, those convulsive agitations, which are only the repercussion of these mighty events throughout the French Empire; they cannot suffer a Revolution formed not upon agreement, but upon the contests of all parties, and in which amongst so many victims, the most unfortunate is the Monarch, who is rather chained to, than replaced upon his throne; and yet they declare the same rancour, the same war against the Revolution of Poland, which commenced and was accomplished by the agreement of all parties and sentiments, by a single operation, in one day, without spilling a single drop of blood, in the midst of the benedictions of a people, whose liberty it created, and of a monarch whose power it extended: lend an ear, in short, to these despots, when they pretend to be guided by principles likewise, and affect the science and language of legislators; they decide that the Constitution of France is the overthrow of every principle of legislation, because it has abolished all

titles,

titles, because it has not left any rank or any nobility subsisting betwixt the people and the monarch; because it has entrusted the whole declaration of the general will to a single Assembly, to a single house, which having nothing to controul its passions, makes its passions the laws of the kingdom; and yet their armies march against the Constitution of Poland, which has given a fresh lustre to the distinctions of nobility, which has marked the difference of ranks in the most decisive terms, and incorporated them as constituent parts, and receives support from them, which has furnished these different interests with institutions for declaring their wills, which has provided the means for the legislative body, to moderate or stop its decisions by its division, and in which no kind of influenced precipitation, either beneficial or prejudicial, can exist.

Thus in the midst of these numberless contradictions, betwixt what despots say, and what they do, the sole object of their combinations is manifest, and discloses to the world, that all their efforts tend to persecute liberty, and equality, in every place and period

riod of civilization, in whatever form they are offered, in great as well as little empires, amongſt people advanced, as well as amongſt people riſing to the rank of freedom, with thoſe whoſe legiſlative power reſides in one, or in two houſes of legiſlature. They are reſolved not to ſee liberty on earth: they require that nations ſhould keep their ſilence before them, and that they ſhould receive their deſtinies from their ſupreme will. Such is their plan. Who can eſtimate the calamities which its execution will entail on mankind?

Each deſpot, until this age, confined his pretenſions to his own empire, and claimed his titles which the annals of hiſtory announced, the authority of examples, the antiquity of poſſeſſion, and the ſervices rendered by his anceſtors; and hereby even in theſe kinds of domeſtic diſcuſſions betwixt a nation and its king, mutual ſentiments of regard might ſoften and terminate this quarrel of principles: at this day the agreement even of a people, with their king, does not ſave them in the conſpiracy of foreign kings from their rage. They ſay to the King of

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the French, you do not think what you ſwear; to the King of Poland, you ſhall be puniſhed like your people, ſince you think like them; and the diſcuſſions of political doctrines cannot be terminated but in ſeas of blood. No other right will henceforth exiſt, but that of force.

Such is the ſtate of the preſent war betwixt Auſtria and France. It cannot fail to attract and intereſt every friend of freedom in Europe. The object in diſpute is not as in former wars, the thirſt of conqueſt, the rivality of trade, or the pretended dignity of a crown; but the liberty, the exiſtence of a free nation, a people, who have recognized their RIGHTS, and with unanimous conſent have formed and eſtabliſhed a Conſtitution and Government on the broad baſis of *political* equality, and univerſal benefit to the governed.—Who has the effrontery of impoſing a VETO on the unanimous will of an independent Nation? Who is he, who dares to ſay to France; It is my will, that you inſtantly change your Conſtitution, and model your Government, according to the orders I ſhall think proper to preſcribe?

Who is he who arrogates to himſelf the priviledge of butchering men, becauſe they are reſolved to preſerve their independence, and enjoy in peace the fruits of a free and impartial Conſtitution, founded on choice? Who is he, who thus imperiouſly diſpoſes of the fate of a whole nation, and ſword in hand ſtrives to reduce them to their former wretchedneſs and ſlavery?—A foreign Prince, who ſcarce has attained the age of manhood, and who ſignalizes the commencement of his reign with this flagrant breach of ancient alliance, and the rights of nations.

What man is there, who hears this, and is not filled with indignation! That the liberty of an independent people ſhould thus be annihilated with the FIAT of a Foreign Monarch "SUCH IS MY PLEASURE;"—the execution of which is effected by fire and ſword, and all the horrors of war, in the face of the World, and in contempt of right, of juſtice, of humanity, and of ſhame!

Can a Nation, who has ever been jealous of her own independance and liberty; who has ever repulſed with indignation, every foreign

reign attempt to interfere and controul her sovereign will in her own concerns, look on with indifference, and see these neighbouring despots seizing and disposing of Nations, who have just recovered their liberty, and over whom they have no pretensions or right of interference but that which their swords procure them? Can a Sister Nation fail to sympathize in the calamities and disasters which have accompanied the restoration of liberty amongst a people who so long have groaned under the degrading despotism of their capricious tyrants, when she recollects what years of trouble, what domestic and foreign wars, what catastrophes have attended the conflict for her own liberty? Can Englishmen, who have ever boasted of their own freedom, and have ever been distinguished for their generosity—Can Englishmen see their neighbours, their fellow men struggling for their lives and freedom, and confine themselves only to their prayers to Heaven for their success?—It little concerns us, what their plan of Constitution is, or how it differs from our own. They have built a dwelling for liberty, and they have built it for themselves. If ever LIBERTY was dear to the

heart of an Englishman, it is not less so to the heart of a Frenchman. And shall we, because we are the Elder Brother in the family of freedom, despise and reject the claims this our younger and weaker Brother has on our friendship and good-offices. When under the despotic sway of the Monarchs of Versailles, the French were made the blind instruments of ambition and slavery, they might be then considered (if humanity can allow this degrading epithet) as the *natural enemies* of England: but now that they have recovered the dignity of human nature, now that they are Freemen, they are our *natural friends*. The CAUSE of KINGS we know and here see, is the SAME. So likewise is the CAUSE OF NATIONS. Kings forget their enmities, and embrace each other, to conspire together for the destruction of the liberties of a people, who have dared to be free. So should nations forget their animosities, and unite together to preserve their freedom and their mutual independance. Who knows but a word from Great Britain, would defeat the impious plots of this *Kingly Junto*, and force the voice of justice to be heard. And shall we then show ourselves unworthy of the title

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of Freemen, and of Friends of Liberty. Shall we apoſtatize our principles, and ſhut our eyes against our true and invariable intereſt? No. Engliſhmen will not allow themſelves to be impoſed upon by the prejudices and prepoſſeſſions, which certain perſons give themſelves ſuch pains to propagate and confirm. They will adhere to their ancient, their venerable love for freedom; and will proclaim to the whole world, their natural abhorrence of this wicked and unjuſt war againſt the liberties of France. True to their principles, they will hold in horror the Kingly Conſpiracy at Pilnitz; and conſider the cauſe of France, as the cauſe of all Mankind.

FINIS.

# OBSERVATIONS

DU

CHEVALIER DE LA BINTINAYE

SUR UN

ARTICLE

INSERE' DANS LE

MORNING CHRONICLE,

OUVRAGE

QUI A POUR BUT DE FAIRE CONNOITRE

L'Etat des Choſes en France avant la Révolution,

ET

DE DEVOILER LES CAUSES ET LES MOYENS QUI L'ONT PRODUITE.

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M.DCC.XCII.

# AVANT PROPOS.

VENU en Angleterre, ſur l'invitation de quelques amis, qui m'ont temoigné l'intérêt le plus généreux, j'y ai joui pendant mon ſéjour, de la tranquillité, qu'on ne connoit plus dans ma malheureuſe patrie. J'y ai éprouvé ainſi que pluſieurs de mes compatriotes l'accueuil le plus hoſpitalier. J'ai pu y pratiquer au milieu de mes freres réunis, paiſiblement & ſans crainte, la religion qu'on a toujours profeſſée dans mon pays, & qu'on y perſecute maintenant avec fureur ſans en profeſſer une autre.

Penetré de reconnoiſſance pour ceux qui m'ont fait jouir de ces biens, je me preparois à aller me réunir ſur le continent à mes parens, à mes amis, & aux autres François reſtés fideles aux anciennes loix du royaume, lorſque j'ai vu dans un papier public un amas d'infames calomnies dirigées contre nous.

Je n'ai pas cru pouvoir me diſpenſer de les repouſſer, & j'ai différé mon départ pour rediger ſur cet objet quelques obſervations, dont j'offre l'hommage au bon ſens & à la généroſité, dont la nation Angloiſe fait profeſſion.

Le Chev. de la BINTINAYE.

Londres, le 1 Mars, 1792.

# ARTICLE

## DU

# MORNING CHRONICLE.

26 Janvier, 1792.

MR. L'EDITEUR,

UNE des meilleurs regles de la prudence dans la vie privée, eſt de ne point ſe mêler, ſans néceſſité, des affaires d'autrui. Si nous ſommes appellés par devoir ou par invitation, à donner une opinion, avant de hazarder de donner un conſeil, ou de prendre ſur nous de condamner, nous devons être aſſurés d'entendre parfaitement la matière, de connoitre à fond la ſituation de la perſonne, & les circonſtances du cas propoſé. Celui qui prononce ſans connoiſſance, eſt bien expoſé à être injuſte, même lorſqu'il cherche à être impartial. On doit du-moins attendre de la

modération

# ARTICLE

## FROM THE

# MORNING CHRONICLE.

26 January, 1792.

MR. EDITOR,

ONE of the beſt rules of prudence in private life, is not to meddle, without neceſſity, in the affairs of other people. If called upon by duty or invitation to deliver an opinion, we ſhould be very ſure that we perfectly underſtand the ſubject, that we thoroughly comprehend the ſituation of the perſon, and the circumſtances of the caſe, before we venture to adviſe, or take upon us to condemn. He who pronounces without knowledge is very likely to be unjuſt, even when he intends to be impartial. Moderation, at leaſt, may be expected from

moderation de celui qui n'a point reçu d'offenſe, & que rien de perſonnel intéreſſe à la choſe. Ou bien, ſi nous ne pouvons éviter d'adopter les paſſions d'un parti, gardons nous de prendre la qualité de juges. Agir avec paſſion, ſans motif de reſſentiment, ou injuſtement ſans interêt, c'eſt être mechant pour le plaiſir même de la mechanceté, ou tenir ſes plus mauvaiſes qualités en exercice, afin qu'elles ſoient prêtes au beſoin. Lorſque nous voyons un grand peuple luttant pour ſa liberté contre le pouvoir ſans droit, entouré de perfidie & de rebellion, & menacé d'invaſion ;—lorſque nous voyons que ſes efforts ont pour objet tout ce qui devroit *nous* être cher, auſſi bien qu'à lui, ſuppoſons ſeulement s'il eſt poſſible, qu'il eſt meilleur juge que nous de ſa ſituation. A tout évenement, informons nous avant de décider. Beaucoup de perſonnes admettent, je penſe, qu'il exiſtoit des inconvéniens conſiderables dans le Gouvernement qui a été détruit en France.—Mr. Burke affirme qu'il étoit *plein d'abus*. D'un autre coté, on ne peut nier qu'on n'y ait apporté des remedes d'une violence non commune ; mais

eſt

him who has received no offence, and who feels no concern. Or, if we cannot avoid adopting the paſſions of a *party*, let us beware how we aſſume the poſition of a judge. To act paſſionately without reſentment, or unjuſtly without intereſt, is either to indulge in depravity for its own ſake, or to keep our worſt qualities in exerciſe, that they may be ready for employment. When we ſee a great people ſtruggling for their liberty againſt power without right, ſurrounded with treachery and rebellion, and threatened with invaſion;—when we ſee them contending for every thing that ought to be dear to *us* as well as to them, let us barely ſuppoſe it poſſible, that they underſtand their own caſe better than we do. At all events let us condeſcend to inquire before we decide. Moſt men, I think, admit that conſiderable diſorders exiſted in the ſubverted government of France. Mr. Burke affirms that it was *full of abuſes*. On the other hand, it is not denied that remedies of uncommon violence have been applied to them; but does it follow of courſe, that ſuch remedies were unneceſſary? We

ſee

eſt il prouvé, que de tels remedes ne fuſſent pas néceſſaires? Nous voyons l'operation & les ſouffrances qu'elle cauſe. Avons-nous droit de conclure que l'amputation eſt un meurtre, & que le chirurgien eſt un aſſaſſin? Des corps anciens & conſiderables ont été diſſous—un ſyſteme de pouvoir arbitraire a été detruit—des rangs élevés ont été réduits à l'egalité de droits (rien autre choſe) avec le reſte du royaume. Sommes-nous fondés à affirmer qu'il eut été poſſible, ſans employer ces moyens d'operer d'une manière complette, efficace, & ſurtout *permanente*, la reformation d'une conſtitution corrompue? Peutêtre trouverons nous, par l'examen, que la ſituation de la France avoit ſi peu de rapport avec les exemples connus & les regles ordinaires, qu'elle faiſoit regle pour elle-même, & n'en admettoit point d'autre;—qu'on ne pouvoit, ſans perfidie ou ſans folie, y appliquer les moyens de la politique ordinaire, ou des remedes palliatifs, & que c'étoit ſageſſe auſſi bien que vertu de s'interdire l'uſage de *ces expediens perfides* appellés *meſures modérées*. L'original de l'écrit ſuivant a été tracé à la

hâte

ſee the operation, and the ſufferings that attend it. Have we inſtantly a right to conclude that amputation is murder, and that the ſurgeon is an aſſaſſin? Great and antient corporations have been diſſolved—an arbitrary ſyſtem of power has been demoliſhed—high ranks have been reduced to an equality of rights (no other), with the reſt of the kingdom. Are we at once entitled to affirm that, without ſuch remedies, it would have been poſſible to accompliſh a complete, an effective, and above all, a *permament* reformation of a rotten conſtitution? Perhaps we may find, upon enquiry, that the ſituation of France, conſtituted an unexampled, anomalous caſe, which, the moment it exiſted, made a rule for itſelf, and could be governed by no other;—to which, without perfidy or folly, no vulgar policy or palliation could be applied: and in which it was wiſdom as well as virtue to prohibit the uſe of any of *thoſe treacherous expedients, called moderate meaſures.* The original of the following paper was haſtily drawn up, in anſwer to a queſtion ſtarted not long ago in converſation

by

hâte, en reponſe à une queſtion propoſée il n'y a pas longtemps, dans la converſation par un eccléſiaſtique François, très ſavant, & je penſe, non moins honnéte. Ce n'eſt qu'un court abrégé d'un long detail d'énormes abus, écrit avec une parfaite connoiſſance de cauſe, &, ſuivant mon opinion, avec plus de moderation & de bonhommie que le ſujet ne le comportoit. Le public d'Angleterre ne ſait gueres ſur l'état de la France, que ce qu'en diſent les partiſans du pouvoir, ou les emigrans François, dont les deux tièrs prétendant fuir la perſecution, ne ſont dans le fait que des débiteurs fugitifs, qui viennent en Angleterre pour être protégés contre leurs creanciers, comme ils l'etoient en France. Les autres, ayant perdu leurs places & leurs penſions, en ſont fort chagrins, & voudroient les recouvrer--n'importe par quels moyens. Ne voyant de reſſource que dans l'eſpérance d'une Contre-revolution, ils ſont aſſez inſenſés pour oublier qu'ils ne peuvent accomplir la ruine de leur pays, ſans aſſurer la leur.

Vous

by a French Eccleſiaſtic of great learning, and, I believe, of equal integrity. It is but a ſhort epitome of a long hiſtory of enormities, written with perfect knowledge, and, in my opinion, with more temper and good humour than the ſubject was entitled to. The public of England know very little of the ſtate of France, but what they are told by the partizans of power, or by the French Emigrants, two-thirds of whom, pretending to fly from perſecution, are really fugitives for debt, and come to England to be protected againſt their creditors, as they uſed to be in France. The reſt of them, having loſt their places and penſions, are extremely ſorry for it, and would be glad to recover them—no matter by what means. Having no reſource left but in the proſpect of a Counter-Revolution, they are mad enough to forget that they cannot accompliſh the deſtruction of their country without inſuring their own.

Vous me demandez, à quoi on doit attribuer la deſtruction de la nobleſſe & du clergé en France ?

Depuis long-temps, ces deux ordres étoient un fardeau pour la nation, ſans lui être d'aucune utilité. Les ſeuls privileges dont la nobleſſe fit cas, etoient la diſtinction de rang, & l'exemption des taxes. Elle n'avoit plus aucune relation avec le peuple dont elle étoit a peine connue, & ſur lequel elle n'avoit aucune eſpece d'influence que par le moyen des agens du gouvernement. C'eſt-à-dire, des Miniſtres & des Intendans qui étoient les ſeuls hommes vraiment puiſſans en France. Quatre Miniſtres & trente-deux Intendans gouvernoient le royaume, diſtribuoient les faveurs de la couronne, & répartiſſoient les impôts. Les moyens de s'exempter de payer les impots étoient le grand objet de l'habileté parmi les nobles, particulierement parmi les courtiſans. Celui qui auroit du payer cent mille livres, compoſoit ſouvent quelquefois pour mille, où même il obtenoit une remiſe de la ſomme entiere, laquelle remiſe étoit portée ſur les

comptes

You aſk me, What has deſtroyed the nobility and clergy in France?

For a long time, theſe two orders were a weight on the nation, without being of any uſe to it. The only privileges the nobility valued, were diſtinction of rank, and exemption from taxes. They had no longer any relation to the people, to whom they were hardly known, and over whom they had no ſort of influence, except through the agents of government; that is, the Miniſters and the Intendants of the Provinces, who were the only men in France really powerful. Four Miniſters and thirty-two Intendants governed the kingdom, diſtributed the favours of the crown, and formed the diſtribution of the taxes. To be exempt from paying taxes was the great trial of ſkill among the nobles, particularly the courtiers. He, who ought to have paid one hundred thouſand livres, compounded ſometimes for a thouſand, ſometimes obtained a remiſſion of the whole ſum, for which credit was given in the accounts ſent to the Miniſter by

comptes envoyés au Miniſtre par l'Intendant, pour ſervir de quittance à celui à qui elle étoit accordée.

Toutes les faveurs étoient concentrées parmi ceux de la nobleſſe qui ſuivoient la cour. Penſions énormes, gouvernemens, commandemens de provinces, ſans fonctions—emplois qu'ils vendoient—part dans les profits reſultans des opérations de finances tout le butin du pillage de Verſailles—Jeu ruineux dans lequel ils engageoient les Princes—Ils trouvoient le moyen de faire payer par l'état leur logement, leur table, leurs livrées, et l'education de leurs enfans. Deux ou trois cens femmes intrigantes voyageoient ſans ceſſe de Paris à Verſailles, pour obſéder le Roi, la Reine, et les Miniſtres. C'étoient ces perſonnes ſans principes, ſans conduite, et ſans decence, qui faiſoient tout. Elle ne deſiroient que de l'argent pour fournir à leur toilette, à leur table, à leurs équipages, et à leurs galans.—Les moyens ne leur coutoient rien.

Dans la ſociété, les nobles avoient entre-

eux

the Intendant, to ſerve as an acquittance to the party.

All favours were confined to thoſe of the nobility who attended the court. Enormous penſions, governments, ſinecure commands of provinces—places which they ſold; —profitable ſhares in money tranſactions with the public;—all the waſte and plunder of Verſailles;—ruinous gaming, in which they engaged the Princes;—their lodging at home, their table, their liveries, the education of their children, all which they contrived to be paid for. Two or three hundred intriguing women were inceſſantly travelling from Paris to Verſailles, to beſiege the King and Queen, and the Miniſters: Theſe were the perſons who did every thing, without morals, good conduct, or decency. Money for their dreſs, their table, their equipage, and their gallants, was all they wanted. The means coſt nothing.

In ſociety among themſelves, the nobles had

eux quelque douceur et quelque facilité dans les manieres, avec une hauteur insultante pour leurs inférieurs ;—un extrême desordre dans leurs affaires ;—des dettes deshonorantes et mal payées ;—une rage effrénée pour la débauche ;—des maitresses qui leur coutoient des millions ; tout ce qu'on peut attendre en un mot d'hommes qui ne pensoient point, qui n'avoient ni sens, ni instruction, qui avoient perdu tout sentiment par l'habitude de ramper devant les valets de la cour ;—les plus grands seigneurs s'humilioient devant les commis du bureaux, et les femmes de chambre qui avoient des credit. Rien de ce qui pouvoir procurer protection, où argent, ne leur paroissoit trop bas, ou trop servile. Rien de tel n'étoit regardé comme dérogatoire a la noblesse.

Toutes les places qui produisoient de l'argent étoient remplies par la noblesse. Les fermiers du revenu public comptoient parmi leurs commis subalternes quelques uns des plus grands noms du Royaume. Les nobles seuls étoient employés dans les ambassades etrangeres ;—tous les mariages riches

leur

had ſome ſoftneſs and facility, with an inſulting haughtineſs towards their inferiors; an extreme diſorder in their affairs;—debts diſhonourable and ill paid;—an ungovernable rage for debauchery;—miſtreſſes, who coſt millions; every thing, in ſhort, that can be produced by want of thought, want of ſenſe, and want of inſtruction; by a total loſs of ſentiment, by the continued habit of crawling before the lackeys of the court; the higheſt of the nobility humbling themſelves before clerks in office, or before waiting-maids who had intereſt. Nothing too mean and ſervile, if money or protection could be got by it. No man thought it a derogation.

All the places, that produced money, were engroſſed by the nobility. The farms of the revenue reckoned, among its inferior clerks, ſome of the greateſt names of the kingdom. No others employed in foreign embaſſies;—all the wealthy marriages devolved

leur étoient dévolus, et ils s'y prenoient long-temps d'avance pour ſe les aſſurer. Dans l'armée, il falloit avoir un certificat de nobleſſe. *Segur* a eu l'impertinence d'éxiger quatre degrés de nobleſſe pour obtenir une lieutenance. La declaration exiſte. Le nombre des perſonnes preſentées à la cour, et par conſequent protégés contre leurs créanciers augmentoit chaque jour. Des eſſaims de petite nobleſſe ſortoient des provinces, et formoient des demandes en vertu de leur nom; ils deployoient de vieux parchemins, ou les fabriquoient. En cela conſiſtoit la grande ſcience de ces Meſſieurs, les plus ſots et les plus vains de leur eſpece. Lorſqu'on parloit de quelqu'un qu'ils ne connoiſſoient pas, leur queſtion etoit, *Eſt-il bon ?* c'eſt-à-dire, remonte-t'il au de la de l'année 1400? Mais ils n'étoient pas ſi difficiles avec les parvenus puiſſans qui prêtoient de l'argent, où qui donnoient à diner.

Nous avons vu un temps où les tables des financiers etoient leur rendezvous commun. Point de cuiſine au logis—tout leur argent étoit depenſé par leurs valets.

Dans

volved to them of courſe, and they laid themſelves out long before hand to ſecure them. In the army you muſt have a certificate that you were noble. *Segur* had the impertinence to inſiſt on four degrees of nobility to be a lieutenant. The declaration exiſts. The number of perſons preſented at court, and thereby protected againſt their creditors, increaſed every day. Swarms of little gentry were drawn out of the provinces, who made demands in virtue of their name; who diſcovered old parchments, or forged them. In this conſiſted the great ſcience of theſe Gentlemen, the ſilliest and vaineſt of their ſpecies. When a man they did not know was mentioned, their queſtion was, *Is he good?* that is, Is he before the year 1400? But they were not ſo difficult with upſtarts in power, if they lent money, or gave dinners.

We have ſeen the time when the tables of the financiers ſerved them for common ordinaries. No kitchen at home—all their money was ſpent by their ſervants.

Dans leurs terres, ils tourmentoient leurs vaſſaux pour la conſervation du gibier. Les droits féodaux, les chicanes judiciares, étoient leurs moyens d'oppreſſion. Ils avoient le privilege de tranſporter leurs procés par évocation des provinces à Paris, où leurs amis les Parlemens regloient tout à leur ſatisfaction. Là ils trouvoient leurs couſins, leur belles ſoeurs, leurs freres. Tout cela étoit d'une même clique. Les Abbayes et les Evêchés n'étoient que pour eux ; déteſtable éducation dans les colleges et les ſeminaires pour leurs jeunes freres qui n'y étoient formés qu'à l'hypocryſie qui étoit ſuivant eux ce que nous appellions décence.

## CLERGÉ.

Les femmes étoient en poſſeſſion du département des prêtres qui par leur canal parvenoient à tout. Elles vendoient les abbayes et les evêchés, et il eſt bien connu que les marchés ont été faits publiquement.

Les

Upon their eſtates they tormented their vaſſals, to preſerve their game. The feudal rights, the chicane of the law, were the inſtruments of their oppreſſions. They had the privilege of transferring their law-ſuits by evocation from the Provinces to Paris, where their friends, the Parliaments, ſettled every thing to their ſatisfaction. Here they found their couſins, their ſiſters-in-law, their brothers, it was all one click. Abbayes and Biſhopricks were only for them; a deteſtable education in the colleges and ſeminaries for their younger brothers, where the only thing they were well inſtructed in was hypocriſy, by which they meant what we called decency.

## THE CLERGY.

THE women were in poſſeſſion of the department of the Prieſts, who, by that channel, arrived at every thing. They ſold the abbayes and biſhopricks; and it is well known that the bargains have been publicly made.

Les Evêques et les Abbés ne residoient presque jamais, mais ils mangeoient leurs revenus à Paris avec des femmes. Nous avons vu un Evêque donner soixante mille livres par an à sa maitresse ; presque tous ou étoient grossierement ignorans, ou ne possédoient qu'une science théologique pire que l'ignorance. Quelquefois ils entreprenoient de jouer le role d'administrateurs dans lequel leur conduite devoiloit generalement incapacité ou coquinerie *.

Un curé, ou un chanoine, qui étoit *roturier*, ou non noble, n'étoit jamais promu aux dignités de l'eglise. Cette régle avoit été constamment établie depuis la ruine des Protestans. La distribution des bénéfices etoit confiée à un prélat de cour qui étoit mené par les femmes, et par les ministres. Ces prélats étoient libertins, et sans foi ; et tel a été le cours des choses depuis trente ou quarante ans au moins.

* Pour traduire fidêlement cet infame anonymes, il faut bien presenter ses expressions dans toute leur bassesse.

Les

The Biſhops and Abbots ſcarce ever reſided, but eat up their revenues at Paris with women. We have ſeen a Biſhop give ſixty thouſand livres a year to his miſtreſs; almoſt all of them were either groſsly ignorant, or learned only in theology worſe than ignorance. Sometimes they undertook to play the part of Managers, in which they generally betrayed incapacity or roguery.

A Curate, or Canon, who was a *roturier* or not noble, *never* was promoted to the dignities of the Church. This rule was laid down ever ſince the Proteſtants were cruſhed. The diſtribution of benefices was committed to a courtier prelate, who was led by the women and the Miniſters. Theſe prelates were libertines and without faith; and this has been the courſe of things for forty years at leaſt.

The

Les curés et les autres prêtres étoient pleins d'indignation ; et de temps en temps ils se montroient prêts à se revolter. Lorsque cela arrivoit, on les appaisoit par de petites augmentations dans leur traitement. Le moment de la vengeance n'étoit pas encore venu ; mais aussitôt que les curés parurent en force aux etats généraux, les grands bénéficieres virent qu'ils étoient perdus.

Rien ne pouvoit égaler la fainéautise et la vie scandaleuse des moines riches dans les provinces. Ils consommoient environ cent millions par an. Leur table, les femmes des fermiers dans le voisinage, leur chevaux, et leurs chiens, engloutissoient tout. Les moines cependant n'exerçoient pas à beaucoup prés autant de tyrannie que les Abbés. Un d'entreux * a dépensé dans le cours des trois dernieres années quarante mille écus dans un procés pour un lievre. Tous ces Messieurs portoient leurs fermes à un prix excessif, et ruinoient leurs fermiers.

* L'Abbe de Poudens, 1788.

Ce

The Curates and other Priefts were filled with indignation; and now and then fhewed themfelves ready to rebel. When this happened, they were appeafed by little augmentations of their allowances. The moment of vengeance was not yet come; but, as foon as the Curates appeared in force in the States General, the great beneficiaries faw they were undone.

Nothing could be fo lazy and fo fcandalous, as the rich Monks in the Provinces. Thefe people confumed above a hundred millions a year. Their table, the farmers' wives in the neighbourhood, their horfes and their hounds, fwallowed up every thing. The Monks, however, were not quite fo tyrannical as Abbots; one of whom *, within thefe three years, fpent twenty thoufand crowns upon a law-fuit about a hare. All thefe gentry raifed their rents exceffively, and ruined their farmers.

* Abbe de Poudens, in 1788.

The

Ce qui a perdu les curés auſſi, c'eſt la conſtante préférence qu'ils accordoient aux gens de qualité ou aux gens riches dans leurs paroiſſes ; et leurs ligues fréquentes avec les baillis et les procureurs qui étoient employés à la perception du revenu public, pour jetter en priſon les perſonnes qu'ils jugeoient à propos d'appeller mauvais ſujets ; c'eſt à dire ceux des payſans qui avoient trop de courage, ou qui étoient trop clairvoyans. Le plus grand nombre des curés ne pratiquoit point ce rigoureux célibat qu'ils affectoient. Ils étoient auſſi avares et auſſi avides que les Evéques, mais pas ſi prodigues et lorſquils laiſſoient des fortunes à leurs parens, cela excitoit naturellement des murmures parmi le peuple à qui on diſoit perpétuellement que les revenus des prêtres étoient la propriété des pauvres, mais qui voyoient que dans le fait c'étoit préciſement le contraire. Ce fut un chef d'œuvre de politique nationale, d'oppoſer les uns aux autres les membres de ce corps dont l'intérêt étoit de ſe maintenir à tout prix contre les progrés de la raiſon et de la juſtice. Mais ils avoient deja depuis longtemps abandonné les moyens qui juſqu'alors

les

The thing that has ruined the Curates, too, was, their conſtant preference of the people of quality, or of thoſe who were wealthy in their pariſhes; and their frequently leaguing with the bailiffs and attornies, who were in the collection of the Revenue, to clap into priſon any perſons whom they thought fit to call *bad ſubjects*; that is, any of the peaſants, who happened to have too much ſpirit, or were too clear ſighted. The greater part of the Curates did not live in all that celibacy they pretended to. They were as avaricious and greedy as the Biſhops, but not ſo profuſe; and when they left fortunes to their relations, it naturally excited murmurs among the people, who were perpetually told, that the Revenues of the Prieſts were the property of the poor, but who ſaw that in fact it was juſt the contrary. It was a maſter-piece of national policy, to oppoſe the members of this body to one another, whoſe common intereſt it was to maintain themſelves, at any rate, againſt the progreſs of reaſon and juſtice. But they had already, for a long time paſt, abandoned the means which had hitherto

les avoient fait prosperer. Personne ne croyoit plus à leurs miracles. Personne n'assistoit plus à leurs cérémonies. A Paris on appelloit leurs sermons *la parade des servantes*—Une mysticité ridicule, et qui n'étoit d'aucun usage pour la vie sociale—La confession étoit fort peu pratiquée, et l'est encor moins. La messe même a infiniment perdu dans l'esprit de plusieurs. De sorte que le nouveau clergé s'en plaint et attribue à l'Aristocratie cette diminution de zéle. Les figures grotesques exposées sur les ponts et sur les quays no'nt aussi pas peu contribué a jetter un tel ridicule sur l'habillement et les personnes des ecclesiastiques que la pluspart ont pris l'habit laïc. Ceux d'entreux qui appartenoient à la Noblesse subsistent maintenane au moyen de leurs pensions, ou de leurs émolument comme chapelains de quelques femmes riches, qui les recoivent dans leurs maisons. Le reste est à la paye de la nation. Ils ont entreux des querelles dans lesquelles ils trouvent difficile d'engager le peuple. Les Aristocrates desireroient à tout prix une guerre de religion, mais il n'y a pas dans la nation Françoise d'étoffe suffi-

sante

made them prosper. Nobody believed in their miracles; nobody attended their ceremonies. At Paris their Sermons were called, *The Parade of the Servant Maids.*—A ridiculous mysticity, of no use to social life. —Confession was little observed, and is still less so. Even mass itself is infinitely declined in the minds of many; insomuch, that the new Clergy complain of it, as if this abatement of zeal proceeded from Aristotracy. The grotesque figures, exhibited upon the bridges and quays, have also contributed not a little to throw such a ridicule upon the dresses and persons of the Clergy, that a majority of the Ecclesiastics have adopted the Lay habit. Such of them as belonged to the nobility, subsist at present upon their pensions, and on their emoluments as Chaplains to wealthy women, who receive them into their houses. The rest are in the pay of the nation. Among themselves they have quarrels, in which they will find it difficult to engage the people. The Aristocrates would be glad of a religious war at any rate, but there is not sufficient stuff in the French nation to make it. The na-

ſante pour cela. La Nation s'eſt prodigieuſement détrompée depuis la révolution. L'opinion dominante eſt quil faut laiſſer les Nobles ronger leur frein, payer leurs dettes s'ils peuvent et continuer de s'entre appeller Comtes et Marquis. Pour le clergé qu'il explique ſes livres comme il lui plaira—qu'ils ſentre appellent intrus ou refractaires, jureurs ou non-jureurs, pourvu que le public ne ſoit pas troublé, et que la circulation des aſſignats et la liberté de conſcience ne ſoient pas interrompues.

## ORDRE JUDICIAIRE.

Les Preſidens et les conſeillers au Parlement achetoient leurs places pour ſe procurer l'éxemption des taxes, et le pouvoir de tourmenter leurs vaſſaux—L'office de Preſident à mortier ſe vendoit cinq cens mille Francs (20,000l.) Le ſalaire et les emolumens ſe montoient à dix mille Francs—Suppoſant que le poſſeſſeur eut un patrimoine de trois cent mille Francs de revenu (12,000l.) ſa taxe territoriale auroit du s'éleverà ſoixante mille Francs. Au lieu de cela, il compoſoit avec

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tion has prodigiouſly unfooled itſelf ſince the Revolution. The prevailing opinion is, that the Nobles ſhould be left to bite upon the bridle, to pay their debts if they can, and to continue to call one another Counts and Marquiſſes. As to the Clergy, let them explain their books, juſt as they like—let them call one another intruders or refractory, jurors or non-jurors, provided the public is not diſturbed, and as long as the circulation of aſſignats, and liberty of conſcience are not interrupted.

## L A W.

The Preſidents and Councillors of the Parliament bought their places, for the purpoſe of exempting themſelves from taxes, and for the power of tormenting their vaſſals. —The office of *Preſident à Mortier* ſold for five hundred thouſand livres (20,000l.)—the ſalary and emoluments amounted to 10,000 livres :—then, ſuppoſing him to have a landed eſtate of 300,000 livres a year (12,000l.) his land-tax ſhould have amounted to 60,000 livres, whereas, he compounded with

le gouvernement pour dix mille. De ſorte qu'en dernier reſultat, le capital qu'il avoit employé à láchat de ſon office lui rapportoit ſoixante mille Francs ou douze pour cent, et reſtoit dans ſa famille qui pouvoit le vendre.

Il y avoit à Paris cinq ou ſix cent jeunes et jolies femmes qui n'avoient d'autres moyens de ſubſiſter que de ſolliciter des procés. Elles connoiſſoient les maitreſſes des juges. Elles ſavoient à qui s'adreſſer et comment s'aſſurer le ſuccés. Nous avons vu un Rapporteur du Parlement dont la maitreſſe connue étoit une femme de qualité qu'on ne pouvoit gagner qu'au prix de preſens conſidérables.

En général, tous les Juges ſe prêtoient à être ſollicités en particulier dans leurs propres maiſons par *des femmes*.

Une audience du Secretaire d'un Juge étoit toujours payée en louis d'or.

Les Epices ou les émolumens d'un conſeiller

with Government for 10,000; ſo that in the end, the capital ſum laid out in purchaſing the office, brought him in 60,000 livres a year, or 12 per cent. for his money, and continued ſaleable in his family.

There were in Paris five or ſix hundred young handſome women, who had no other means of ſubſiſtence but ſoliciting law-ſuits. They knew the miſtreſſes of the Judges; they knew whom they were to apply to, and how ſucceſs was to be inſured. We have ſeen a Reporter of the Parliament, whoſe nominal miſtreſs was a woman of quality, to whom, of courſe, nothing leſs then a conſiderable bribe could be offered.

In general, all the Judges allowed themſelves to be ſolicited in private, at their own houſes, *by women*.

An audience of the Judge's Secretary was always paid for in louis-d'ors.

The *Epices*, or emoluments of a Council-

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ſeiller de grand-chambre s'élevoient à trente ou quarante mille Francs par an.

Ces faits expliquent le myſtere d'offices achetés ſi cher ſans qu'il y eut aucune proportion entre les ſalaires directs, ou les profits avoués qui y etoient attachés, et le prix de l'acquiſition.

Il a plu à Mr. Burke de dire—Que les François *s'étoient révoltés contre un monarque légitime, doué d'un caractere doux . . Que c'eſt à des conceſſions qu'ils ont réſiſté : que c'eſt contre la protection qu'ils ſe ſont ſoulevés, et que leurs coups ont été dirigés contre une main qui leur offroit des graces, des faveurs, et des immunités.*— Maintenant, s'il étoit vrai que la pratique du regne a été, comme il le ſuppoſe, conſidérablement adoucie par les vertus perſonnelles qu'il attribue au Prince qui occupe le trône, cela ne ſuffiroit pas pour juſtifier le ſyſtême établi, ni pour raſſurer contre le retour de tous les maux auxquels un tel ſyſtême pouvoit toujours livrer le peuple. Mais dans le fait le préſent regne mérite t'il la peinture que Mr. Burke en fait ? Dans quelques endroits, il parle avec emphaſe de ces corps

*vénérables*

lor of the Great Chamber, amounted to thirty or forty thouſand livres a year.

Theſe facts account for the myſtery of paying ſuch large ſums for offices, without direct ſalaries, or avowed profits at all proportioned to the prime coſt.

Mr. Burke has been pleaſed to ſay, that *he has ſeen the French rebel againſt a mild and lawful Monarch—that their reſiſtance was made to conceſſion—that the revolt was from protection, and that their blow was aimed at a hand holding out graces, favours, and immunities.* Now, if it were true that the practice of the preſent reign had been, as he ſuppoſes, conſiderably ſoftened by the perſonal virtues, which he attributes to the Prince upon the throne, it would be no defence of the eſtabliſhed ſyſtem, nor in any ſhape a ſecurity againſt the return of all thoſe evils, which ſuch a ſyſtem might at any time inflict upon the people. But in fact, does the preſent reign deſerve the character which Mr. Burke gives of it. In

*vénérables* les Parlemens de France, et va jusqu'à comparer le Parlement de Paris à l'Aréopage d'Athenes.

Je crois qu'il se méprend considerablement; mais écoutons ce que ces vénérables personnes ont dit de leur gouvernement avant la révolution. Sur ce point, leur autorité ne peut être contestée. Sans avoir d'eux une aussi haute idée que lui, il est difficile de concevoir qu'une classe d'hommes qui occupoient un rang considérable dans leur pays eussent eu l'audace de parler comme ils faisoient d'abus qui n'existoient plus, et *d'aller déterrer dans l'histoire des siecles passer des exemples d'oppression et de persecution*, et cela dans le dessein egalement hazardeux et deshonorant d'insulter leur Roi en face. Il n'y a pas plus long temps que le 11 Avril 1788, le Parlement presenta à Louis XVI. des remontrances qui commencent par ces mots.

SIRE,

ſome places he ſpeaks highly of thoſe *venerable* bodies the French Parliaments, and goes ſo far as to compare the Parliament of Paris to the *Areopagus* of Athens.

I believe he miſtakes the matter very conſiderably; but let us hear what theſe venerable perſons have ſaid of their government before the Revolution. On this point their authority is not to be diſputed. Without thinking ſo highly of them as he does, it is difficult to conceive that any ſet of men, holding a reſpectable rank in their country, ſhould have the audacity to ſpeak as they did of grievances that no longer exiſted; or that they, too, *had raked into the hiſtories of former ages for inſtances of oppreſſion and perſecution*, for the hazardous, as well as diſhonourable purpoſe of inſulting their King to his face. It is no longer ago than the 11th of April, 1788, that this very Parliament preſented a remonſtrance to Louis the XVIth, which begins with the following words:

SIRE,

" La Liberté publique, attaquée dans ſon
" principe, le Deſpotiſme ſubſtitué à la Loi
" de l'Etat, la Magiſtrature enfin reduite à
" n'etre plus que l'inſtrument du Pouvoir
" Arbitraire ;—tels ſont les grands et dou-
" loureux objets, qui ramenent votre Par-
" lement au pied du Trone."

Le 11 Mars 1788, Le Duc d'Orleans fut exilé et Meſſrs. Freteau et Sabatier, Magiſtrats du Parlement de Paris furent arrachés de l'Aſſemblée par un ordre direct du Roi, et jettés dans une priſon pour avoir enoncé leur opinion contre un édit qu'il avoit ordonné d'enrégiſtrer ſans diſcuſſion.

A cette occaſion le Parlement adreſſa au Roi un appel exprimé avec beaucoup de force et de pathétique *à ſa juſtice, à ſa ſageſſe et à ſon humanité* contre l'uſage des *lettres de cachet.*

" A ce terrible mot tous les cœurs ſe reſ-
" ſerrent, toutes les idées ſe troublent ; ſaiſi
" d'effroi,

" SIR,

" Public liberty attacked in its principle
" —despotism substituted in the place of
" law—the magistracy reduced to be no-
" thing more than the instrument of arbi-
" trary power;—such are the great and af-
" flicting objects which bring back your
" Parliament to the foot of the throne."

On the 11th of March, 1788, the Duke of Orleans was banished, and Messrs. Freteau and Sabatier, Magistrates of the Parliament of Paris, were dragged out of the Assembly, by a direct order of the King, and thrown into a dungeon, for delivering their opinion against an edict, which he had ordered to be registered without debate.

On this occasion the Parliament addressed the King with a most powerful and pathetic appeal *to his justice, to his wisdom, and to his humanity, against the use of Lettres de Cachet.*

" At this word of terror all hearts are
" contracted—all ideas are confounded: We
" look

" d'effroi, on hesite, on se regarde, on craint
" de s'expliquer, et le peuple, en silence,
" ose à peine élever sa pensée vers ce pou-
" voir inconcevable, qui dispose des hom-
" mes sans les juger sans les entendre ; qui
" les plonge et les retient, à son gré, dans
" d'epaisses tenebres, ou, trop souvent, ne
" pénetre pas plus la lumiere du jour que le
" regard des loix, le cri de la nature et la
" voix de l'amitie ; vers ce pouvoir, dont
" le mystere est l'ame, et dont la force est le
" seul titre ; vers ce pouvoir, qu'exercent
" impunément des Ministres, des Commis,
" des Agens de la Police ; vers ce pouvoir
" enfin, qui, depuis les Ministres jusqu'au
" dernier des instrumens de la Police, etablit
" sur nos têtes une longue chaine d'oppres-
" seurs formidables, devant lesquels toutes
" les loix de la nature et de l'etat doivent
" rester muettes."

Nous ne citons ici, il faut l'observer, que deux remontrances sur plusieurs présentées dans le cours du present regne. Le tableau qu'elles

" look at each other with doubt and con-
" ſternation, and are afraid to complain.—
" Your people, even in ſilence, have hardly
" courage enough to raiſe their thoughts to-
" wards this inconceivable power, which
" diſpoſes of men, without a judgment,
" without a hearing; which plunges and
" detains them at its pleaſure, in profound
" darkneſs, where it too often happens that
" the light of the ſun is as little able to pe-
" netrate as the eye of the law, the cries of
" nature and the voice of friendſhip; againſt
" this power, of which myſtery is the ſoul,
" of which force is the only title—a power
" exerciſed with impunity by Miniſters,
" Clerks, and Agents of the police—a power,
" in ſhort, which, from the Miniſters, down
" to the loweſt inſtrument of the police,
" eſtabliſhes over our heads a long chain of
" formidable oppreſſors, in whoſe preſence
" all the laws of nature and of the ſtate are
" compelled to be ſilent."

Theſe remonſtrances, it is to be obſerved, are but two, out of many, preſented in the courſe of the preſent reign. The picture they

qu'elles donnent du gouvernement de France, tel qu'il exiſtoit à l'époque qu'elles indiquent ſuffit, non ſeulement pour juſtifier tout ce qu'a fait la nation Françoiſe, mais même il y auroit eu de quoi l'autoriſer à detruire la perſonne avec le ſyſtême. Ceux qui connoiſſent ce qu'étoit la France affirmeront comme moi, que la nation Françoiſe à traité le Roi & ſa famille avec une modération ſans égale.

Mr. Burke ne s'eſt pas laiſſé la liberté de recuſer l'autorité des Parlemens. Le fait eſt que dans l'adminiſtration de la juſtice, ils ne méritoient pas de confiance; mais que dans l'ordre politique, ils les plaçoient entre le Roi & le peuple, & étoient le ſeul obſtacle qui depuis pluſieurs années arrêtât le pouvoir arbitraire de la couronne. Leurs remontrances ſont des chef-d'œuvres d'éloquence noble, & étoient ſoutenues avec un degré de fermeté qu'on avoit gueres lieu d'attendre ſous un ſi infernal gouvernement.

they draw of the then *actual* government of France, is ſuch, as not only juſtifies the French nation in every thing they have done, but would have authoriſed them to extirpate the perſon as well as the ſyſtem. They, who know what France was, will affirm, as I do, that the French nation have acted with unparalleled moderation to the King and his family.

Mr. Burke has not left himſelf at liberty to object to the authority of the Parliament. The fact is, that in the adminiſtration of juſtice, they were not to be truſted; but that, in a political capacity, they placed themſelves between the King and the people, and made the only ſtand, that was made for many years, againſt the arbitrary power of the Crown. Their remonſtrances are maſter-pieces of noble eloquence, and were ſupported by a degree of firmneſs, very little to be expected under ſuch an infernal Government.

# OBSERVATIONS

DU

CHEVALIER DE LA BINTINAYE

SUR UN

ARTICLE

INSERÉ DANS LE

MORNING CHRONICLE.

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J'AI lu dans le *Morning Chronicle*, ſous les dates du 26 et du 27 Janvier, un écrit relatif à la révolution de France.

L'auteur de cet écrit, lâchement caché ſous le voile de l'anonyme, inſulte aux malheurs d'un roi captif,* qui, depuis près de

* En vain les partiſans de la révolution de France ſoutiennent-ils que Louis XVI. eſt libre : s'il l'étoit en effet, une pareille diſcuſſion n'auroit pas lieu. Ceux, qui affirment le plus qu'il eſt libre, le croient ſi peu, qu'ils ſont les premiers à demander s'il eſt vrai qu'il s'eſt *échappé* lorſque le bruit s'en répand.

trois années, eſt ſans ceſſe accablé d'affronts et entouré de dangers.

Il inſulte aux malheurs du clergé de France, dépouillé de tous ſes biens et victime d'une perſécution acharnée, aux malheurs de la nobleſſe Françoiſe, dépouillée d'une partie conſidérable de ſes propriétés, qui a vu ſes habitations pillées et incendiées, et pluſieurs de ſes membres lâchement et cruellement maſſacrés, tandis que la plûpart des autres ſont errans dans l'Europe, laiſſant le reſte de leurs biens à la merci de leurs ennemis, et pouvant à peine trouver un azyle où ſe fixer.

L'anonyme ne ménage pas davantage la magiſtrature de France qu'un égal attachement à ſes devoirs a rendu l'objet d'une égale perſécution.

Quand le roi de France, quand les corps les plus conſidérables de ce royaume, auroient

roient mérité les maux qui les accablent, il ſeroit lâche et cruel d'inſulter à leur ſort.

Ce calomniateur anonyme traite d'un ordre de choſes qui exiſtoit il n'y a pas trois ans dans un grand empire voiſin de l'Angleterre, et qui avoit avec elle des rapports multipliés de politique et de commerce, que quantité de voyageurs Anglois parcouroient ſans ceſſe, et il en parle comme le plus romaneſque hiſtorien n'auroit pas oſé parler des anciens Aſſyriens. Il peint la France en proye depuis long-tems à des abus qu'aucune ſociété d'hommes n'auroit pu ſupporter deux années ſans ſe diſſoudre.

Mais ce hideux tableau ne peche pas ſeulement par l'invraiſemblance; les calomnies ſont entaſſées avec ſi peu de jugement qu'elles ſe contrediſent ſans ceſſe et ſe détruiſent mutuellement.

D'abord il repréſente la nobleſſe comme compoſée d'êtres inviſibles, *inconnus au peuple, et qui ne lui faiſoient ſentir leur funeſte influence que par le moyen des miniſtres et des intendans.*

Plus bas, la nobleſſe redevient tout-à-coup viſible, rempliſſant toutes les places juſqu'aux plus bas emplois de finance, tourmentant ſes vaſſaux pour la conſervation de la chaſſe et la perception de ſes droits féodaux, ayant des procès quoiqu'elle fût toujours ſure de les gagner.

Après cela l'anonyme fait paroître 300 intrigantes, qui diſpoſent de toutes les faveurs de la cour. On a beau chaſſer avec le roi et danſer avec la reine, on n'obtient rien ſans l'entremiſe de ces femmes. Il vous fait voir enſuite 600 ſolliciteuſes qui dirigent les jugemens des procès. Ces dames, tant celles qui ſuivent la cour que celles qui ſuivent le parlement, ſont expertes en généalogies. De vieux parchemins peu-

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vent ſeuls obtenir leur protection ; ni l'or, ni tout ce qui peut ſéduire les femmes, n'a aucun prix aux yeux de celles-là ſans cette condition. Il falloit bien que cela fut ainſi, ſi la nobleſſe *obtenoit toutes les places* et *gagnoit tous ſes procès*. Mais qui peut croire de pareilles extravagances ?

Lorſque l'anonyme parle du clergé, il retombe dans la même contradiction en ſuppoſant que les évêchés ſe vendoient et en diſant que la nobleſſe ſeule les obtenoit, et il ſe jette dans une autre en ſuppoſant les curés opprimés par les évêques et réduits à un traitement modique, légerement augmenté de tems à autres pour les empêcher de ſe revolter, et en peignant enſuite ces mêmes curés tout-puiſſans dans leurs paroiſſes et laiſſant des tréſors à leurs héritiers.

Après avoir calomnié l'intégrité des parlemens, il rend juſtice au zele et à la fermeté qu'ils ont conſtamment montrés en s'oppoſant aux progrès du pouvoir abſolu. — A qui

qui veut-il perſuader, que des juges iniques et corrompus euſſent pu être en même tems d'intrépides et généreux défenſeurs du peuple, toujours prets à s'expoſer pour ſes intérêts aux ſacrifices et aux ſouffrances qui ont été ſi ſouvent le prix de leur dévouement. Si les plaideurs avoient tant de moyens pour corrompre ces magiſtrats, le gouvernement n'en eût-il pas employé de ſemblables au lieu de ſcandaliſer l'Europe par les perſécutions qu'il leur faiſoit ſubir, et eût-il été le ſeul qui n'eût pas ſu gagner ſon procès ?

Voilà l'échantillon des contradictions dans leſquelles tombe un homme qui n'a que le deſir de calomnier et qui n'en a pas même l'odieux talent !

Maintenant je vais tâcher d'oppoſer quelques vérités à ſes menſonges.

Il dit d'abord que *les ſeuls privileges, dont la nobleſſe Françoiſe fit cas, étoient la diſtinction*

*de*

*de rang et l'exemption des taxes.** Il ose traiter ainsi un ordre qui s'est toujours fait un devoir, de sacrifier ses biens et son sang à la défense de la patrie, et dont tout membre, pour ainsi dire, naissoit soldat. Trop indigné pour m'arrêter à recueillir les exemples sans nombre, qui attestent le dévouement de la noblesse Françoise, je citerai le mien ; je découvrirai ma poitrine et je montrerai mes blessures.

Je suis entré dans le corps de la marine de France, à la fin de 1773, à l'age de 15 ans. Après avoir fait une premiere campagne dans la Manche, je me suis embarqué à la fin de 1775 sur une frégate du roi, expédiée aux Indes Orientales. Je suis revenu en France au mois de Janvier, 1778. Au mois d'Avril de cette année, j'armai sur la frégate la Surveillante, commandé par M.

* The only privileges the nobility valued were distinction of rank and exemption from taxes.

du

du Couëdic. Le commandant en ſecond de cette frégate ayant paſſé au mois d'Octobre ſuivant ſur un autre vaiſſeau, M. du Couëdic me fit l'honneur de me confier les fonctions que cet officier quittoit. Un an après arriva le combat entre la Surveillante et le Québec. Je n'en rappelle point les circonſtances : ce combat opiniâtre a été aſſez célébré en Angleterre. J'y eus le bras droit emporté, et je fus bleſſé à la main gauche et au côté. Je reçus pour récompenſe la croix de St. Louis à l'age de 21 ans, une penſion de 1000 liv.* et le grade de lieutenant de vaiſſeau. Un an après ce combat, les trois ordres des états de Brétagne m'accorderent, à l'age de 22 ans, le droit de ſéance dans leur aſſemblée, que la loi n'accordoit qu'à 25 ans.

Auſſitôt que la guériſon de mes bleſſures me permit de reprendre mon ſervice, je fus nommé au commandement d'un petit bâti-

* 41 livres ſterling.

ment,

ment. Je n'avois point encore ſervi ſur des vaiſſeaux de ligne, et je voulois acquérir tous les genres d'inſtruction. Je refuſai le commandement, et je m'embarquai ſur le Triomphant : de là je paſſai à-bord de l'Invincible : enſuite je refuſai un congé qui me fut offert par le miniſtre pour m'embarquer à-bord du Magnifique, et puis ſur la Couronne, pour paſſer aux Indes Occidentales, où je reſtai juſqu'à la fin de la guerre. J'en revins en Juin, 1783.

Des circonſtances particulieres enchaînerent mon activité juſqu'au commencement de 1785. Je pris alors le commandement d'une flûte du roi, que je conduiſis dans la Baltique. Je fis, en 1786 et en 1787, deux campagnes d'évolution. Dans celle de 1787, M. le Vîcomte de Marigni me chargea des fonctions de major de l'avant-garde, qu'il commandoit.

En Septembre, 1787, lors des préparatifs de guerre occaſionnés par les troubles

de Hollande, je reçus ordre de me rendre à Toulon pour y prendre le commandement de la frégate la Friponne de 32 canons. A mon arrivée dans ce port, les préparatifs de guerre ayant cessé, on substitua, à la frégate qui m'étoit destinée, la corvette la Sardine. Je conduisis cette corvette dans les Echelles du Levant, où elle faisoit partie d'une division de huit bâtimens, destinée à la mission délicate de faire respecter la neutralité de la France au milieu des hostilités des Russes et des Turcs. Je revins à Toulon au mois de Décembre, 1788. Là finit mon activité. J'obtins, pour revenir en Brétagne au milieu de ma famille, un congé, qui expiroit à la fin de 1789. Avant son expiration, je demandai ma retraite. Je n'ai pas besoin d'en détailler les motifs; je les ai publiés dans une déclaration, qu'à mon arrivée à Londres j'ai trouvé traduite en Anglois. Par cette déclaration, j'ai renoncé solennellement à ma pension et aux appointements de retraite que je pouvois espérer. Ainsi il ne me reste aucun prix de mes

services

ſervices que l'eſtime des honnêtes gens. J'eſpere qu'il ne ſera pas au pouvoir d'un vil calomniateur de me l'ôter.

Après avoir expoſé le tableau d'une vie laborieuſe, je dois dire que le même dévouement, accompagné de talens très ſupérieurs aux miens, étoit commun à mille officiers de la marine, dont plus des trois quarts appartenoient à la nobleſſe Françoiſe, et dont un très grand nombre avoit quitté les jouiſſances d'une grande fortune pour les fatigues et les dangers. Je dois dire que je rougirois qu'on me ſoupçonnât de vouloir me préférer à mes braves camarades, dont l'exemple étoit l'objet de mon émulation, et dont pluſieurs ont de beaucoup ſurpaſſé mon activité, enchaînée long-tems par mes bleſſures. Je dois dire encore que j'en ai vu périr un très grand nombre, victimes des fatigues exceſſives, auxquelles leur zele les avoit expoſés.

Ce dévouement, dicté par l'honneur ſeul, n'étoit alimenté ni par l'ambition ni par

l'intérêt. Les appointemens des officiers étoient très modiques,* le traitement de ceux qui commandoient des vaiſſeaux étoit tel que beaucoup d'officiers, à la fin d'une longue campagne dans différens climats, ſe ſont trouvés avoir dépenſé du leur. En tems de guerre l'état retenoit un tiers de la valeur des priſes pour faire les fonds des invalides de la marine.

L'avancement étoit extrêmement lent parmi des officiers, qui tous étoient cenſés avoir des droits égaux. Il y a peu d'exemples d'officiers parvenus au grade de capitaine de vaiſſeau avant l'age de 40 ans, même parmi ceux qui ſe ſont le plus diſtingués à la guerre. Généralement on y parvenoit plus tard.

* Un garde marine avoit 15 louis d'appointement par an; un enſeigne de vaiſſeau 600 liv. ou 33 louis; un lieutenant 1600 liv. ou 66 louis; un capitaine de vaiſſeau 3000 liv. ou 125 louis; un chef d'eſcadre 6000 liv. un lieutenant-général 12000 liv.

Les

Les appointemens des premiers grades étoient un peu plus forts dans les troupes de terre, parceque les officiers ſubalternes de la marine étoient nourris à-bord des vaiſſeaux aux frais du roi.

Dans les troupes de terre, un ſous-lieutenant avoit 30 louis d'appointement par an; un capitaine 75 louis. Les emplois de capitaine d'infanterie ne s'achetoient point, on ne les obtenoit que par ancienneté de ſervice au bout de quinze ou vingt ans. Les appointemens d'un colonel en France étoient inférieurs à ceux d'un capitaine d'invalides en Angleterre. Le colonel François, qui achetoit ſon régiment de 4 à 6000 livres ſterling, n'avoit que 250 louis par an, et n'étoit chargé d'aucunes fournitures ſur leſquelles il put économiſer à ſon profit. Voilà les rares avantages dont l'anonyme trouve ſi cruel, d'exclure ceux qui ne prouvoient pas quatre dégrés de nobleſſe. Le ſervice eſt devenu beaucoup plus lucratif

depuis

depuis que des régimens entiers ont été pourvus d'officiers, pris dans des boutiques. Si l'on veut ſavoir quels ſervices ces nouveaux officiers ont rendus à l'état ſous les ordres des uſurpateurs de la même claſſe qu'eux qui le gouvernent maintenant, les régîtres de leurs actes publics en offriront d'abondans détails.

Le commandement des régimens étoit à-peu-près concentré dans certaines familles en credit. Si cet uſage étoit vicieux, le reſte de la nobleſſe avoit ſeul le droit de s'en plaindre. Il y a beaucoup de choſes à dire pour et contre. C'étoit un obſtacle à l'honnête ambition de ceux, qui, par leurs talens, étoient faits pour exceller dans la ſcience militaire. Certainement cette objection eſt ſérieuſe, et peut-être cet uſage a-t-il été préjudiciable à la France. Ceux, qui l'approuvent, alleguent les ſervices rendus de pere en fils à l'état par ces familles, et l'opinion qu'on avoit que l'exemple et les leçons des peres rendoient

de

de bonne heure les enfans propres au commandement. Ils disent que de grands noms, sous les auspices desquels les soldats étoient accoutumés à marcher à la gloire, leur inspiroient de l'ardeur et de la confiance. Cette classe de colonels fournissoit des officiers-généraux dans la force de l'age. Mais, au reste, cet usage a existé chez presque tous les peuples du monde. Il me semble, qu'en Angleterre même on ne s'étonne pas de voir d'anciens officiers commandés par des jeunes gens, et la préférence dans les promotions accordée au rang et au crédit à la cour.

Le reste de la noblesse, sans se plaindre de cette préférence, marchoit avec joie au feu sous les ordres de ces chefs ; et ces militaires, après avoir servi 20, 30, ou 40, années, revenoient dans leurs campagnes décorés de la croix de St. Louis, et redemandoient à la terre qu'ils s'occupoient à cultiver l'équivalent de ce que leur fortune avoit souffert des sacrifices qu'ils avoient faits

à

à la patrie, ſacrifices qui n'étoient nullement compenſés par les foibles penſions de retraite qu'on n'obtenoit qu'après de longs ſervices, et encore pas toujours.

Dans toutes les campagnes que j'ai eu occaſion de parcourir, je n'ai vu aucune trace d'oppreſſion de la part de la nobleſſe. Je n'ai point vu que les propriétaires, qui n'étoient pas nobles, traitaſſent leurs fermiers ni leurs vaſſaux, quand ils en avoient, avec plus de douceur que ne faiſoit la nobleſſe. J'ai même ſouvent entendu dire le contraire, et j'en ai vu quelques exemples.

Ces droits féodaux, qui ſont devenus le prétexte de plaintes ſi injuſtes et ſi abſurdes, étoient fort à l'avantage des vaſſaux. Ces vaſſaux étoient ſi près de l'indépendance qu'ils ſe ſont crus fondés à s'arroger la propriété excluſive. Voilà pourquoi ils ont ſi facilement prêté l'oreille aux philoſophes, qui leur ont préſenté comme un joug inſupportable, tout droit que le ſei-

gneur

gneur primitif du ſol s'étoit réſervé en le concédant. Ces droits féodaux, conditions du contrat, *en vertu duquel le vaſſal étoit devenu propriétaire, étoient invariablement fixés par le texte même de la conceſſion*, et le ſens des expreſſions qu'elle contenoit, et les moyens de la faire exécuter, étoient déterminés par la coutume du pays *(common law)*. Les conteſtations, qui s'élevoient ſur ces objets, étoient jugées par les tribunaux du pays, et en cas d'appel par le parlement, dans le reſſort duquel elles avoient lieu.

Au reſte, les gentilſhommes étant partout réciproquement ſeigneurs et vaſſaux les uns des autres, ils avoient autant d'intérêt que perſonne à ce que le régime féodal ne devint pas oppreſſif. Auſſi ne s'eſt-il élevé, lors de l'inſurrection contre la nobleſſe, aucune plainte formelle et circonſtanciée au ſujet de la féodalité. Les incendies des titres féodaux et des habitations des ſeigneurs n'ont commencé qu'après que l'Aſſemblée, dite Nationale, par un infernal

 artifice,

artifice, a ſupprimé une partie des droits féodaux pour les rendre tous odieux, et en a conſervé une partie pour fournir un prétexte aux inſurrections que ſes membres ont notoirement fomentées. On n'a pu les faire éclater qu'en faiſant circuler de faux décrets et de faux ordres du roi, et en faiſant faire aux payſans des menaces terribles pour les forcer a y obéir, et les pouſſer au crime par la terreur. C'eſt ce que le ſieur Chapellier a devoilé lui-même, lorſqu'il a demandé à l'Aſſemblée l'amniſtie pour les brigands de Bretagne.*

Les loix de la chaſſe étoient moins ſéveres qu'en Angleterre, et n'étoient pas obſervées rigoureuſement, excepté autour de Paris, dans le diſtrict appellé *les Plaiſirs du Roi*. Et la preuve de ce fait, c'eſt que, dans

* Il y a plus. Il eſt notoire qu'à l'époque où on parloit dans l'Aſſemblée des incendies des châteaux en Bretagne, Chapellier dit hautement qu'il n'y en auroit pas davantage. L'abbé Maury lui dit : *Vous avez donc dans votre poche le déſiſtement des brigands.*

toutes

toutes les villes de province, les marchés étoient couverts de gibier. On n'y faiſoit point paſſer un lievre pour un lion. Après tout, il n'étoit impolitique, ni en France, ni en Angleterre, d'interdire la chaſſe aux dernieres claſſes du peuple. C'étoit le moyen de prévenir l'oiſiveté, le déſordre, et quantité de crimes. D'ailleurs, s'il exiſtoit des abus dans ce genre, la nobleſſe aſſemblée à Verſailles n'a jamais montré aucune répugnance à les voir reformer.

Dailleurs, j'ai vu par-tout dans les campagnes la nobleſſe repandant autour d'elle d'abondantes charités. J'ai vu les gentilſhommes occupés de concilier, par la confiance qu'ils inſpiroient, les conteſtations prêtes à naître parmi les payſans. J'ai vu partout les femmes et les filles des gentilſhommes s'occuper, avec l'aimable ſollicitude de leur ſexe, à ſecourir les malades, et ſouvent les panſer de leurs propres mains.

Dans ma province, quelques-uns des paysans, qui pillerent le château du Marquis de Cintré, se sont empoisonnés en avalant, sans choix, toutes les drogues qu'il réservoit pour composer des remedes pour les pauvres ; et un de ceux, qui brulerent le château de M. le Comte de Bruc, portoit au bras une emplâtre que Mad^e. la Comtesse de Bruc y avoit appliquée la veille.

Il faut le dire, voilà la véritable cause des excès commis contre la noblesse dans les campagnes. On trouvoit un grand obstacle à son anéantissement dans l'attachement que ses vertus inspiroient à ses vassaux. On n'a cru pouvoir éteindre cet attachement que dans le crime.

Voilà comme vivoit la presque totalité de la noblesse Françoise. Certainement il y avoit en France, comme par-tout ailleurs, des exceptions à cet égard. Mais non-seulement les gentilshommes, qui exerçoient leurs droits avec rigueur, étoient encore

encore plus desapprouvés de leurs égaux qu'ils n'étoient haïs de leurs inférieurs; mais même l'opinion de la noblesse ne pardonnoit gueres une vie oisive et inutile. On disoit avec dédain de ceux qui n'avoient point porté les armes pour leur pays, et qui, consumant leur tems et leur revenu à chasser, à boire, et à jouer, ne répandoient aucun bienfait autour d'eux, *Fi! il ne vit pas en gentilhomme!* Le sort de la noblesse Françoise, dont les services et les vertus n'ont pu trouver grace au tribunal des *droits de l'homme*, doit donner à penser à tous ceux qui ne pourroient pas y produire les mêmes titres.

Apres avoir essayé de montrer la noblesse Françoise sous son véritable jour, je ferai quelques observations sur les calomnies que l'anonyme a vomies contre le clergé de France.

Je dédaigne de repousser le reproche d'ignorance, fait à un corps distingué par ses lumieres, chez une nation dont les écrivains ont rendu la langue universelle dans l'Europe.

l'Europe. Surtout lorſque ce reproche eſt hazardé par un homme qui décele à chaque inſtant ſa propre ignorance, et qui ne peut écrire deux lignes ſans ſe contredire.

Je pourrois mépriſer de même les calomnies, qui regardent la maniere dont notre clergé rempliſſoit ſes devoirs. On ne peut pas nier que, dans un corps auſſi nombreux que notre clergé de France, il ne ſe trouvât de tems à autres quelques perſonnes qui n'honoroient pas leur profeſſion. Mais la diſcipline eccléſiaſtique avoit été tellement affoiblie par l'uſage des appels aux tribunaux laïcs, et par la difficulté d'infliger des peines canoniques, attendu la rigueur de preuves exigés pour cet effet, qu'il y a lieu de s'étonner que les abus ne fuſſent pas plus grands et plus multipliés.

Mais le clergé aſſemblé aux Etats Généraux a-t-il eſſayé de juſtifier ou de maintenir aucuns abus, ou d'empêcher aucune réforme? On n'a ſeulement pas pris la peine de l'accuſer. On s'eſt emparé de ſes biens

ſous

ſous prétexte de bien public, et pour ſoutenir cette funeſte et frauduleuſe invention du papier monnoie qui a ruiné le royaume. Comme on n'a point dénoncé d'abus, ou n'a point exécuté ni même propoſé de réforme ; la diſcipline eccléſiaſtique, au lieu d'être renforcée, a été anéantie.

Il eut été heureux pour le clergé que quelque examen eût précédé cette indigne perſécution dont ſes membres ſont les victimes et dont l'objet eſt la deſtruction de toute religion.

Je ſais qu'un très grand nombre de nos évêques réſidoient aſſiduement dans leurs dioceſes, et ſe faiſoient une loi de n'en ſortir que pour ſe rendre aux aſſemblées du clergé ou aux états de leurs provinces. Leurs affaires perſonnelles ne leur paroiſſoient pas un motif ſuffiſant. Les évêques, qui réſidoient le moins, paſſoient à-peu-près la moitié de leur vie dans leurs dioceſes.

Tous

Tous nos évêques, ſans exception, faiſoient dans leurs dioceſes des aumônes immenſes. La France étoit couverte d'établiſſemens publics, dus à la munificence des évêques, ſéminaires, colleges, hôpitaux. La plûpart entretenoient à leurs fraix, dans des ſéminaires de charité, un très grand nombre d'eccléſiaſtiques ſans fortune. L'égliſe ne fut jamais plus libérale en aumônes dans aucun autre ſiecle, ni chez aucune autre nation.

S'il faut en citer des exemples éclatans, je nommerai le cardinal de la Rochefoucault, archevêque de Rouen, élu préſident du clergé aux Etats Généraux. Ce prélat jouiſſoit d'environ quinze mille livres ſterling de revenu. Il en dépenſoit quatre mille pour l'entretien de la maiſon et le reſte en charités. L'archevêque de Paris, dans le rigoureux hyver de 1788, dépenſa au-delà de ſon revenu de l'année pour nourrir ſon peuple, et contracta des dettes. Ce peuple l'a lapidé au mois de Juin, 1789. La ré-

volution

volution n'a pas été le triomphe de la reconnoiſſance. La populace et les courtiſans ſe ſont diſputé d'ingratitude.

Mais revenons aux exemples de la charité des évêques. Je citerai encore l'évêque de Leſcar, qui, outre ſes aumônes habituelles, a donné, dans une ſeule occaſion, un ſecours de deux mille livres ſterling à ſon peuple à l'occaſion d'une épizôotie qui ravageoit ſon dioceſe; les évêques de Soiſſons, d'Amiens, de Clermont, &c. Ce n'eſt point à ceux que j'omets, parceque leur bienfaiſance a moins frappé mes oreilles, que je dois des excuſes, c'eſt à ceux dont je ſuis forcé de bleſſer l'humilité en parlant de leurs vertus. Je n'ai voulu citer que des évêques vivans, et tous ceux que j'ai nommés ſont victimes de la perſécution.

La plûpart de ces faits doivent être connus d'un grand nombre d'Anglois, qui ont vu nos évêques François dans leurs dioceſes. Quant à l'anonyme, j'imagine bien que,

s'il a voyagé en France, la ſociété de nos évêques n'étoit pas celle qu'il cherchoit.

Il exiſte maintenant à Londres un de ces évêques qu'on repréſente comme des hommes inutiles et de mauvais citoyens. Né dans la province où étoit ſitué ſon dioceſe, et dans une famille qu'il honoroit de ſon amitié, je connois ſes vertus, et j'en oppoſerai le tableau à la calomnie.

Monſeigneur l'évêque de St. Pôl de Léon eſt né gentilhomme Breton. Capitaine d'infanterie dans le régiment de la reine, il reçut pluſieurs bleſſures à la bataille de Plaiſance. Réformé à la paix de 1748, il reprit ſes études, et embraſſa l'état eccléſiaſtique. Grand vicaire pendant plus de ſeize années, il eſt évêque de Léon depuis vingt ans. On lui accorde dans ce pays-ci l'eſtime et la conſidération que lui avoient acquiſes, dans ſon dioceſe, une réſidence preſque continue, et le ſacrifice habituel de plus des deux tiers de ſon revenu au ſoulagement

lagement des pauvres ou à différens établiſſemens publics, tous conſacrés à l'avantage du peuple et à l'utilité de la claſſe la plus indigente et la plus négligée. Le délire de la révolution n'a pu lui enlever le reſpect et l'affection de la très majeure partie de ſes diocéſains, méritée à tant de titres. Qu'on interroge ſon clergé, qu'on interroge même les quatre curés qui ſeuls, ſur le nombre de 87, ſe ſont laiſſés entraîner dans le ſchiſme par intérêt, par ſéduction, ou par crainte; tous rendront également témoignage à la prudence, à l'activité, et à la douceur, de ſon gouvernement.

On demandera, ſans doute, ce qui a donc pu forcer de s'expatrier un prélat chéri de la plus grande partie de ſon troupeau, et reſpecté même de ceux des membres de ſon clergé qui s'étoient ſéparés de lui.

Breſt eſt dans ſon dioceſe. La nombreuſe garniſon de ce port a été corrompue à grands frais. Elle obéit aux commis des bureaux

de la marine, aux chirurgiens, et aux merciers, de cette ville, qui se sont emparés de l'administration sous les auspices de l'Assemblée. L'esprit qui les anime est connu par les secousses violentes et multipliées dont Brest a été le théatre.

Voilà les ennemis de l'évêque de Léon. Ce sont eux qui l'ont accusé devant la prétendue Assemblée Nationale d'être complice d'une émeute excitée à cinquante lieues de chez lui, et qu'il ignoroit.

Sur cette dénonciation, il fut mandé à la barre de l'assemblée. Le décret lui fut notifié le 24 Février, 1790, à dix heures du soir. Fort de son innocence, il se disposoit à se rendre à Paris, lorsqu'il fut averti que, le 25, le procureur-syndic du district avoit fait partir des cavaliers de la maréchaussée pour l'arrêter sur-le-champ. Cet ordre ne fut pas si secret que les habitans de Léon n'en fussent instruits. Il sut qu'ils se préparoient à défendre leur évêque. La crainte

de

de voir couler le ſang de ſon peuple décida à l'inſtant ſa fuite. Peu d'inſtans avant l'arrivée de la maréchauſſée, il ſortit de la ville, ſans être apperçu, à la faveur des ténebres qu'un orage affreux rendit plus épaiſſes. Il s'embarqua ſeul au milieu de la nuit ſur un bateau conduit par des contrebandiers Anglois. Ce prélat reſpectable, dont la ſanté eſt affoiblie par l'age et par ſes travaux, fut pendant quatre jours le jouet des flots ſur un frêle bateau non ponté, où il languiſſoit ſans ſommeil, et preſque ſans nourriture, et ſans pouvoir ſe faire entendre de ſes conducteurs. Enfin, il débarqua ſur les côtes de Cornouailles. Il ſe rendit à la ſeule maiſon qu'il apperçut du rivage. Il fut accueilli et reconnu par le maître du logis, qui étoit venu pluſieurs fois chez lui à Léon, et qui le combla de ſoins et d'offres.

Dans le voyage qu'il a fait pour ſe rendre à Londres, et depuis qu'il y eſt, il a conſtamment éprouvé tout ce qu'une nation généreuſe peut offrir de ſecours et témoigner

moigner d'intérêt à un étranger malheureux. Il me ſaura certainement gré de publier la vive reconnoiſſance dont je ſais qu'il eſt pénétré. Ce que j'ai pu dire de lui, je puis le dire de monſeigneur l'évêque de Tregnier et de monſeigneur l'évêque de Vannes, enveloppés dans la même accuſation et frappés du même décret. Je puis le dire de preſque tous les évêques, qu'une perſécution, qui n'avoit point encore eu d'exemple, a chaſſés de leur patrie. S'il eſt un petit nombre d'évêques François à qui leur luxe, leur diſſipation, et la négligence de leurs devoirs, ayent pu attirer de juſtes reproches, preſque tous ceux-là ont couronné par l'apoſtaſie une vie ſcandaleuſe, et ont acheté à cet infame prix la faveur des démocrates.

J'ai parcouru pluſieurs parties de la France; partout j'ai vu les curés, à très peu d'exceptions près, l'objet du reſpect public par la régularité de leurs mœurs; partout je les ai vus l'objet des bénédictions

du

du peuple, qu'ils combloient d'aumônes, et dont le bonheur étoit l'objet continuel de leur ſollicitude. Les plus ardens ennemis de la religion Chrétienne et de ſes miniſtres n'avoient pas encore oſé calomnier les curés. Dans l'impuiſſance de trouver rien à reprendre ſur leur conduite, c'étoit en les comblant d'hypocrites éloges qu'on ſe donnoit un air d'impartialité. En méditant leur ruine, en ſe préparant à les dépouiller de leurs biens, pour y ſubſtituer une penſion précaire, et dont on les a bientôt privés, en la mettant au prix de l'apoſtaſie, on préconiſoit leurs vertus plus que jamais. Leurs ſpoliateurs, après avoir conſommé leur crime, n'ont pas oſé eſſayer de le juſtifier par des calomnies. Ce noble ſoin étoit réſervé à l'anonyme.

Il eſt faux que les curés de France fuſſent depuis long-tems mécontens et prets à ſe revolter. Avant, que par une indigne politique, qu'un homme, tel que l'anonyme, peut ſeul admirer, on fut parvenu à entraî-

ner

ner à une partie d'entr'eux dans un court égarement, qu'ils ont noblement réparé en préférant l'indigence à l'apoſtaſie, et cruellement expié par leurs ſouffrances, ils étoient pleins de reſpect et de confiance pour leurs évêques. Ils ſe ſont unis à leurs chefs plus que jamais, depuis que ne voyant plus en eux que des compagnons d'infortune et des modeles de vertus, ils ſe ſont livrés à des ſentimens dont aucun motif de crainte ou d'eſpérance ne peut rendre la ſincérité ſuſpecte.

L'honorable indigence, qui eſt devenue le prix de la fidélité des curés de France à leurs principes et à leurs évêques, la captivité et les ſouffrances d'un grand nombre d'entr'eux, ſuffiroient pour répondre aux calomnies de l'anonyme, et exciter l'indignation contre un homme, qui ſemble né pour haïr et inſulter tout ce qu'il y a de reſpectable.

Mais

Mais il faut répondre un mot à ce qu'il dit, qu'on avoit appaisé le mécontentement des curés, prêt à éclater, en augmentant leur traitement. La vérité est, qu'une grande partie des curés de France avoit un revenu indépendant en terres ou en dîmes. Ceux, qui n'avoient pas la dîme de leurs paroisses, recevoient du décimateur un traitement en argent, appellé *portion congrue*. Ce traitement a été augmenté de tems à autre, afin qu'il correspondit à l'augmentation du prix des denrées. Ces augmentations ont été opérées par des édits du roi, enrégîtrés dans les parlemens, et rendus sur la demande des assemblées du clergé, dont les curés n'étoient pas membres, et sans que les curés eussent produit sur cet objet ni plainte ni demande formelle. Les dernieres augmentations du traitement des curés ont eu lieu en 1768 et en 1786.

L'anonyme prétend que le peuple en France *fait peu de cas de la messe*, et il cite en

 preuve

preuve les plaintes des *prêtres conſtitutionels*. Il eſt vrai qu'en général le peuple a en horreur ces prêtres apoſtats ; mais il eſt vrai auſſi, que, par toute la France, il s'expoſe à mille fatigues et à mille dangers pour ſuivre les prêtres qu'il regarde comme les ſeuls véritables. C'eſt ce que l'anonyme a du apprendre par les plaintes même qu'il cite.

Il n'eſt point de violences qu'on n'ait employées, point de barbaries qu'on n'ait commiſes, contre ce peuple attaché à la foi de ſes peres. En pluſieurs endroits on a envoyé des troupes pour le diſperſer ; on a précipité dans des cachots les prêtres qui prioient avec lui. Au mois de Juin dernier, on en a empriſonné, dans la ſeule ville de Breſt, plus de 60, qu'on a relâchés environ trois mois après ſans jugement, parcequ'on ne pouvoit leur trouver de crimes. A l'époque où l'Aſſemblée portoit contre les prêtres non-jureurs le décret que le roi n'a pas ſanctionné, les démocrates de Breſt ont recommencé leurs vexations. Beaucoup de

prêtres

prêtres s'y ſont ſouſtraits par la fuite, néanmoins on en a arrêté 49, qui, au moment où j'écris, ſont entaſſés ſur la paille dans des cachots, et nourris au pain et à l'eau.

A St. Brieuc, et à Roſtrenen près Quimper, les gardes nationales ont fondu à l'improviſte ſur un peuple occupé à prier Dieu, ont fait feu, et ont tué pluſieurs perſonnes, hommes, femmes, et enfans. Je ne cite que quelques exemples qui me ſont particulièrement connus, des horreurs qui couvrent la ſurface de la France.

Je ne laiſſerai pas ſans réponſe ce que l'anonyme a dit des religieux. Il ne s'agit pas ici des contes dont s'amuſoit une frivole jeuneſſe aux dépens des moines. Je ſuppoſe que les bons cœurs et les gens ſenſés attacheront quelque intérêt à ſavoir, ſi, en diſperſant cette nombreuſe claſſe d'hommes, on n'a fait que proſcrire la fainéantiſe et la débauche, ou ſi on a chaſſé de leurs azyles des

hommes paiſibles, dont le plus grand nombre ne méritoit aucun reproche, et dont pluſieurs ſe rendoient utiles à la ſociété.

Je n'examinerai point la queſtion de ſavoir, ſi, en ſuppoſant les ordres religieux parfaitement inutiles, il étoit juſte de les dépouiller de leurs propriétés, et ſi l'organiſation de ces ordres ne fourniſſoit pas des moyens de les rendre utiles. Il ne reſte rien à dire ſur cette queſtion après les réflexions lumineuſes de M. Burke, et celles de M. Du Luc de Géneve, vrai et profond philoſophe, actuellement lecteur de S. M. la reine d'Angleterre.

Je ne parlerai point ici des religieux pauvres, tels que les Capucins et autres, qui, vraiment dévoués aux privations les plus rigoureuſes, ne ſortoient de leurs couvens que pour ſeconder le zele des paſteurs en prêchant la morale Chrétienne, et en rempliſſant les fonctions de vicaires dans les paroiſſes, d'aumoniers ſur les vaiſſeaux de guerre,

guerre, &c. ni des freres de la charité ſi diſtingués dans l'adminiſtration des hôpitaux, ni des peres de la merci, qui ſe conſacroient à la rédemption des captifs. Il ne s'agit ici que des religieux riches.

L'un des ordres les plus nombreux et les plus riches de France, c'étoit l'ordre des Bénédictins. Jamais un homme inſtruit n'accuſera de fainéantiſe cet ordre laborieux, à qui l'Europe doit la conſervation des ſciences, qui récemment en France a produit tant de ſavans diſtingués, les Mabillon, les Montfaucon, les Calmet, et tant d'autres, et qui, continuant toujours de ſe livrer à de ſavantes veilles, s'étoit encore récemment adonné à l'éducation de la jeuneſſe, en établiſſant des colleges dans pluſieurs de ſes monaſteres.

Dans ces monaſteres ſi décriés, il exiſtoit une multitude d'hommes beaucoup plus ſavans que ces prétendus philoſophes, qui faiſoient profeſſion de les diffamer. Voltaire,

taire, le chef des ennemis des moines, a eu des relations avec Dom Calmet, que j'ai cité; et il exiſte des lettres imprimées du philoſophe au religieux, écrites avec le ton du plus profond reſpect. Je crois bien que ce ton n'étoit pas ſincere, mais il étoit l'effet de la crainte qu'un vrai ſavant inſpiroit à un bel eſprit ſuperficiel.

Sans m'arrêter plus long-tems à rendre compte des utiles travaux des religieux de différens ordres en France, j'obſerverai en général qu'une grande partie du revenu des religieux riches étoit employée à l'entretien des édifices conſidérables qu'ils occupoient, à l'entretien et à l'embelliſſement de leurs égliſes, à payer des *portions congrues* aux curés, et à l'entretien du chœur dans toutes les paroiſſes où ces religieux avoient des dîmes.

Il eſt notoire que tous les religieux rentés en France, ſans aucune exception, employoient en aumônes une portion conſidérable de leur revenu.

Il

Il eſt notoire, que, dans toutes les communautés un peu nombreuſes, la regle étoit ſéverement obſervée ; parceque les religieux, juges ſéveres les uns des autres, ſe ſervoient réciproquement de frein et d'aiguillon, et ces communautés ne donnoient lieu à aucunes plaintes légitimes contre elles. Il faut avouer qu'on n'en peut pas dire autant de quelques monaſteres épars dans les campagnes, et habités par un petit nombre de religieux.

Mais ces deſordres particuliers, auxquels il étoit aiſé de rémédier, juſtifient-ils la diſperſion d'une claſſe d'hommes auſſi nombreuſe, dont pluſieurs étoient avancés en age, dont pluſieurs avoient ſacrifié un patrimoine, qu'on ne leur a pas rendu, et qui étoient réunis ſous la ſauvegarde des loix de leur pays ? Au reſte, en les proſcrivant, l'Aſſemblée n'a produit aucune accuſation contr'eux.

Leurs

Leurs plus grands crimes étoient ceux que les tyrans n'ont jamais ſu pardonner, c'étoient leurs biens. Depuis plus de 40 ans, les prétendus philoſophes, qui cherchoient à armer la cupidité contre la religion, montroient du doigt cette proie et encourageoient à la ſaiſir, en accablant des traits de la calomnie ceux qu'il falloit dépouiller. Mais ils auroient craint d'être hautement démentis par la voix publique, s'ils avoient oſé aller auſſi loin que l'anonyme ; celui-ci a tout ſimplement compilé les accuſations par leſquelles Henri VIII. chercha à juſtifier ſes uſurpations, pour les appliquer aux religieux de France.

Par exemple je n'ai jamais vu ni entendu dire qu'aucuns religieux en France euſſent des équipages de chaſſe.

L'anonyme a du moins gardé le ſilence ſur les religieuſes de France. Il eſt donc un degré de vertu qui en impoſe à la calomnie

la plus acharnée. Mais je me ferai un devoir de publier ce qu'elle voudroit en vain cacher.

Les prétendus philoſophes publioient depuis long-tems que les couvens de religieuſes ne receloient que des victimes d'une pieuſe erreur de jeuneſſe ou d'une tyrannie domeſtique, qu'ils peignoient en proie à d'inutiles et amers regrets.

L'Aſſemblée prétendue Nationale a prononcé la diſſolution de leurs vœux, et a ouvert les portes de leurs cloîtres. Elles ſont reſtées fideles à leurs vœux. Il n'en eſt pas ſorti 100 ſur environ 20,000 que contient la France.

Leurs biens ont été vendus. Elles ont été réduites à l'indigence. Les factieux, pour laſſer leur courage qui les déſeſpéroit, ont ſous différens prétextes, qui ſe renouvelloient tous les jours, troublé la paix de leurs azyles par des viſites multipliées et

accompagnées d'inſultes et de violences. Rien n'a pu ébranler leur conſtance. Auſſi fermes dans leur foi que dans l'accompliſſement de leurs vœux, on n'a jamais pu les forcer à prendre part au culte célébré par les prêtres apoſtats.

Mais la rage de leurs ennemis n'a point connu de bornes. A Paris et dans pluſieurs provinces on s'eſt fait un jeu de faire ſubir à pluſieurs de ces reſpectables femmes un traitement également cruel et outrageant. Une religieuſe, pour s'y dérober, s'eſt précipitée du haut d'un eſcalier en bas. Elle s'eſt caſſé la cuiſſe, et n'a pas évité ce qu'elle redoutoit plus que la mort. Mon ſang fermente en me rappellant de pareilles horreurs : elles peignent la révolution et ceux qui l'ont opérée.

Maintenant je vais faire quelques obſervations ſur ce que l'anonyme dit des parlemens de France.

Il ne s'agit pas ici de rendre compte du zele qu'ont mis les parlemens à s'oppoſer aux progrès du pouvoir abſolu : l'anonyme veut bien convenir de leur mérite à cet égard, et j'ai obſervé au commencement de cet écrit dans quelle miſérable contradiction cet aveu l'entraine.

M. Burke, qui n'appuye ſes aſſertions que ſur des documens authentiques et de ſolides raiſonnemens, a peut-être dit tout ce qu'il y avoit à dire à cet égard, lorſqu'il a obſervé que les parlemens de France avoient été détruits en 1771 par le roi, et en 1789 par l'Aſſemblée dite Nationale. S'ils avoient mérité le réproche de corruption et d'injuſtice, on ne le leur auroit pas épargné à ces deux époques pour juſtifier leur proſcription. Le ſilence de leurs ennemis a prouvé leur intégrité. Ils ont été éprouvés au creuſet du deſpotiſme et de la démocratie, et ils en ſont ſortis purs.

Les derniers destructeurs des parlemens ne se sont pas même bornés au silence sur leur compte. Lorsque les membres du parlement de Bretagne étoient à la barre de l'Assemblée à la fin de 1789, Chapellier, leur ennemi déclaré, ne put s'empêcher de rendre un hommage éclatant à l'intégrité de cette compagnie. Quelle est donc cette force inconnue de la vertu, qui contraint le crime à s'accuser lui-même au moment où elle tombe sous ses coups ?

J. J. Rousseau, décrété de prise de corps par le parlement de Paris après la publication de son Emile, sorti de France, et par conséquent à l'abri des poursuites de cette compagnie ; Rousseau, qui n'étoit pas homme à ménager personne, en se plaignant amerement du traitement qu'il avoit éprouvé et qu'il supposoit très injuste, témoigne son étonnement de ce qu'un tribunal, si renommé par son incorruptible équité, s'en soit écarté à son égard.

Je

Je ne prétends pas qu'on ne put reprocher aux parlemens ni faute ni erreur, mais je dis qu'ils étoient éclairés et integres, et je ſais qu'ils réuniſſoient au plus haut degré la confiance publique.

Je ne m'arrête pas à réfuter la ridicule fable des 600 ſolliciteuſes ; mais j'entrerai dans quelques détails ſur les ſollicitations, les épices, et les ſecrétaires des juges.

Il eſt certainement fort beau que les juges ferment leur porte aux plaideurs pendant la durée du procès, et qu'ils ne donnent point d'audiences particulieres ni aux hommes, ni aux femmes.

Mais les juges ſavent les noms des plaideurs. Ils les rencontrent dans la ſociété avant et après le jugement du procès. On peut ſubſtituer des rendez-vous ſecrets aux audiences particulieres. De pareilles regles ne rendent pas la corruption plus difficile en la rendant

rendant plus cachée, et tout dépend toujours de l'intégrité perſonnelle des juges.

Je conçois que MM. les juges d'Angleterre, qui ſont en très petit nombre, dont chacun eſt ſeul juge dans ſon tribunal et voit tous les yeux fixés ſur lui, ſoient obligés de décorer leurs vertus perſonnelles de l'appareil d'une auſtérité impoſante, qui entretient la confiance publique.

Mais il faut obſerver qu'en France toutes les affaires ſe décidoient par la coutume *(common law)*, ou par le droit Romain dans les pays qui n'avoient pas de *coutume*. Paris étoit pays de coutume. La forme de procéder étoit réglée dans toute la France par l'ordonnance civile, rendue en 1667 par Louis XIV. Les juges ayant la faculté d'interpréter les loix, elles étoient plus ſimples et moins multipliées qu'en Angleterre et plus généralement connues. Quand un plaideur avoit reçu de ſon avocat une conſultation qui lui indiquoit les loix applica-

bles

bles à ſon affaire, il croyoit la ſavoir parfaitement, et vouloit l'expliquer lui-même à ſon juge. Les juges, en s'y refuſant, auroient excité plus de mécontentement qu'ils n'auroient acquis d'eſtime : d'ailleurs, comme les juges en France connoiſſoient du droit et du fait, perſonne ne pouvoit mieux leur expliquer les faits que les plaideurs eux-mêmes.

En général les plaideurs n'alloient gueres chez leurs juges qu'accompagnés de leur avocat ou de leur procureur.

Le très grand nombre des juges de nos parlemens étoient des peres de famille de mœurs irréprochables. Il falloit dix juges pour prononcer un arrêt ; et, s'il ſe trouvoit parmi eux quelques magiſtrats peu attachés à leurs devoirs, non-ſeulement ils formoient la minorité, mais même ils n'auroient pas oſé hazarder une opinion inique devant leurs reſpectables confreres.

Pour

Pour prouver encore davantage combien il étoit impossible que la balance de la justice fut entre les mains des parlemens de France, le jouet de l'intrigue, je vais faire un court exposé de la maniere dont s'instruisoient en France les procès civils.

Ou les procès étoient plaidés à l'audience publique, ou ils étoient *appointés*. Il n'y avoit que ces deux manieres de les instruire.

*Appointer* un procès, c'étoit en confier l'examen à un magistrat, appellé *rapporteur*, afin qu'il en présentât l'analyse à ceux de ses confreres qui devoient le juger. On prenoit ce parti toutes les fois que l'affaire paroissoit trop compliquée, pour que les juges pussent facilement fixer leur opinion, en écoutant les plaidoyers des avocats.

Lorsque les procès étoient plaidés, immédiatement après le dernier plaidoyer, les juges délibéroient entr'eux, et le jugement étoit

étoit rendu et prononcé, dans la même audience, à la face du public qui venoit d'entendre la plaidoirie.

Dans un très grand nombre de cas, qu'il ſeroit trop long de détailler, le dernier plaidoyer étoit celui de l'avocat général, qui récapituloit les plaidoyers des avocats des parties, et donnoit enſuite ſon opinion. Ces plaidoyers ſe nommoient *concluſions*. Les perſonnes, un peu plus inſtruites que l'anonyme, connoiſſent les fameuſes concluſions des Dagneſſeau, des Talon, des Bignon, des Chalotais, Montclar, Caſtillon, &c. ſur les plus grandes queſtions du droit.

Lorſqu'un procès étoit *appointé* ou *en rapport*, comme les parties étoient obligées dans tous les cas de ſe communiquer réciproquement toutes les pieces qu'elles produiſoient : lorſque le rapporteur rendoit compte de l'affaire, il ne pouvoit ni employer des pieces que les parties ne ſe fuſſent pas communiquées, ni ſouſtraire aucune de celles qui

avoient été légalement produites, parce-qu'il en exiſtoit toujours un inventaire authentique, appellé *inventaire de production.* Un rapporteur, en rendant compte d'une affaire, mettoit toutes les pieces ſur le bureau, et chaque magiſtrat pouvoit juger de la fidélité de ce compte par l'examen des pieces même. En outre, le rapport étoit preſque toujours précédé d'une diſcuſſion de l'affaire par mémoires imprimés, diſtribués aux juges et dans le public. On m'a dit que cet uſage d'imprimer des mémoires dans les procès exiſtoit encore en Ecoſſe.

On voit d'après cela combien il étoit impoſſible à un rapporteur d'induire en erreur ſes confreres. Auſſi on peut défier l'anonyme, et qui que ce ſoit, de citer aucune prévarication de la part d'aucun rapporteur.

Il faut obſerver de plus, que, quoique les parlemens jugeaſſent en dernier reſſort, on pouvoit encore appeller de leurs jugemens au conſeil du roi, qui annulloit l'arrêt,

s'il n'étoit pas rendu ſuivant la loi, ſans rien décider ſur le fonds de l'affaire, dont l'examen étoit renvoyé à un autre parlement que celui qui avoit donné lieu à l'appel.

Quant à ce qu'on appelle *les épices*, c'étoit une rétribution attribuée aux juges par la loi. L'ordonnance de 1667, qui étoit la loi la plus récente à cet égard, fixoit avec préciſion le rapport de cette rétribution avec le tems que les juges étoient obligés de conſacrer à l'examen d'une affaire, et les magiſtrats taxoient *les épices* conformément à la loi par le même arrêt qui décidoit un procès. C'étoit ſans comparaiſon la moindre partie des frais de juſtice. Les ſalaires des avocats et des procureurs étoient bien plus conſidérables, et ces profeſſions rapportoient beaucoup plus que les offices de juges.

Le territoire ſoumis à la juriſdiction du parlement de Paris étoit immenſe. Outre la ville de Paris, qui ſeule fourniſſoit une

très grande quantité d'affaires, la jurisdiction du parlement de Paris s'étendoit principalement dans les provinces de l'Ile de France, de Picardie, de Champagne, du Lyonnois, et du Forez, dans l'Auvergne, dans le Bourbonnois, dans une partie de la Bourgogne, dans le Berry, dans une partie de la Xaintonge, et dans le pays d'Aunis, dans le Poitou, l'Anjou, la Touraine, et le Maine. Ce territoire formoit environ le tiers de la France, et étoit plus grand que toute l'Angleterre.

Le parlement de Paris n'auroit pu expédier toutes les affaires qui naissoient sur cet immense territoire, si quelques-uns de ses membres ne s'étoient dévoués à un travail immense pour en préparer les rapports. Les épices des plus laborieux conseillers de grand' chambre ne leur rapportoient pas annuellement plus de 500 louis, et non pas 1250 comme le prétend l'anonyme : et sur 36 conseillers, dont la grand' chambre étoit composée,

composée, il n'y en avoit pas dix dont les émolumens s'élévassent à ce taux.

D'ailleurs, il faut encore observer que plusieurs affaires étoient exclusivement attribuées à la grand' chambre, dans laquelle on n'étoit admis que par rang d'ancienneté après un long service dans les autres chambres. Les conseillers les plus laborieux de ces chambres retiroient à peine annuellement 100 louis de leurs épices.

Quant aux secrétaires, ils n'étoient point du tout employés par les juges à l'examen des procès, et nul magistrat n'eut voulu, en s'en reposant sur eux de la préparation d'un rapport, s'exposer à subir devant ses confreres la honte de leur ignorance ou de leur mauvaise foi. Les magistrats, qui n'étoient pas laborieux, aimoient mieux ne pas entreprendre de rapporter des procès que de le faire sans en avoir examiné eux-mêmes tous les détails.

Les

Les fonctions des ſecrétaires conſiſtoient à aller au greffe du palais, et chez les procureurs des parties, s'informer de l'état des affaires, et retirer les pieces pour les remettre au rapporteur lorſqu'elles étoient en état d'être miſes ſous ſes yeux. Ils étoient quelquefois employés à faire des copies, ou à preparer des extraits, ſous la direction de leurs maîtres pour ſoulager leur mémoire.

Les plus anciennes loix Françoiſes font mention des ſecrétaires des juges ſous le nom de *clercs*. Leurs ſalaires étoient fixés par la loi, et point *en louis-d'or* comme le prétend l'anonyme.

Mais, comme en mettant plus ou moins de diligence dans leurs courſes ou dans le travail manuel auquel ils étoient employés, ils pouvoient accélérer ou retarder le jugement ſur lequel ils ne pouvoient influer d'ailleurs, l'impatience que les plaideurs avoient d'être jugés les déterminoit quelquefois à

gratifier

gratifier plus ou moins ces secrétaires. C'est ce que les juges ne pouvoient gueres empêcher.

J'ai déja observé que l'anonyme, en affirmant que la noblesse de France transféroit tous ses procès au parlement de Paris, où elle étoit, dit-il, *sure de les gagner*, en prouvant trop n'a rien prouvé. D'ailleurs on sait bien que, dans la plûpart des procès un peu considerables, les deux parties étoient nobles, et alors, quoiqu'en dise ce misérable fourbe, il falloit bien qu'il y eût un noble qui perdît.

La vérité est, que les pairs de France avoient, comme ceux d'Angleterre, le privilege d'être jugés par leurs pairs, qui siègeoient au parlement de Paris. Mais ce privilege ne s'appliquoit qu'au cas où la personne du pair étoit mise en cause par une accusation. Dans tous les autres cas, les pairs de France plaidoient au parlement, dans le ressort duquel s'élevoit la contestation.

tion. Les ducheſſes en France n'avoient point le privilege d'avoir impunément deux maris à la fois.

Quelques officiers de la maiſon domeſtique du roi, dont pluſieurs n'étoient pas nobles, jouiſſoient d'un privilege, appellé droit de *committimus*, en vertu duquel leurs cauſes étoient jugées par le parlement de Paris. Mais il eſt de fait qu'ils s'abſtenoient très ſouvent d'en uſer, parceque le déplacement de leur partie adverſe auroit augmenté les frais du procès, qui étoient preſque toujours ſupportés par celui qui perdoit.

D'ailleurs un fait très connu en France, et qui a ſuſcité beaucoup d'ennemis aux parlemens, c'eſt que, dans tous les cas un peu douteux, leur balance penchoit conſtamment en faveur du pauvre contre le riche, du vaſſal contre le ſeigneur, et, enfin, du foible contre le puiſſant.

Parmi

Parmi les calomnies que l'anonyme a recueillies ou inventées contre les victimes de la révolution de France, il eſt deux objets ſur leſquels l'Europe a retenti des plaintes du Tiers Etat de ce royaume. Différentes cauſes ont fait garder ſur ces plaintes, dépourvues de fondement, un ſilence qu'il faut enfin rompre.

Il s'agit de la prétendue admiſſion excluſive de la nobleſſe aux emplois militaires, civils, et eccléſiaſtiques, et des privileges en matiere d'impôt.

Quant à cette prétendue excluſion des emplois, il eſt bien étonnant que le Tiers Etat de France ait oſé hazarder, à cet égard, des plaintes, démenties par les faits les plus frappans. Mais l'étonnement, que feront naître quelques-uns de ces faits que je vais faire connoître, ceſſera par les explications que je donnerai plus bas. A l'inſtant où ces plaintes ont éclaté pour la premiere fois,

Necker, né de parens obſcurs, et qui n'étoit pas même François, étoit pour la ſeconde fois miniſtre des finances; et, ſur ſept autres miniſtres que le roi avoit alors, il y en avoit encore deux qui n'étoient pas nés nobles. Auparavant il y avoit preſque toujours eu dans le conſeil du roi quelques miniſtres qui n'étoient pas tirés du corps de la nobleſſe. La liſte en ſeroit immenſe. Mais je citerai entr'autres M. de Sartine, parvenu au miniſtere par ſon ſeul mérite. M. de Vergennes, dont le nom étoit Gravier, et que Louis XV. avoit fait comte, étoit d'une famille très obſcure de Bourgogne.

Parmi les conſeillers d'état et les maîtres des requêtes, qui formoient le conſeil du roi, et dont les derniers étoient ſeuls ſuſceptibles d'être nommés aux intendances de province, il y en avoit un très grand nombre qui n'étoient pas nobles. J'en citerai quelques-uns.

M.

M. de Leſſart, miniſtre depuis la révolution et maître des requêtes long-tems avant, eſt de la naiſſance la plus obſcure. M. de Sènac, maître des requêtes, déſcend d'un médecin célebre au commencement du regne de Louis XV. M. Cochin, maître des requêtes, et M. Gueau de Reverſeau, intendant, deſcendent de deux avocats au parlement de Paris, célebres à la même époque.

Mon intention n'eſt pas de jeter des nuages ſur le mérite de ces meſſieurs ; au contraire, la fortune qu'ils ont faite eſt une raiſon de leur en ſuppoſer.

On pouvoit entrer ſans être noble dans tous les parlemens de France, excepté dans ceux de Bretagne et de Dauphiné. Encore ces deux compagnies ne pouvoient-elles refuſer ceux qui ſe préſentoient pour y être admis après avoir été magiſtrats dans d'autres parlemens. Au reſte, le public, qui voyoit le noble déſintéreſſement du parle-

ment de Bretagne, ne desiroit pas avant la révolution d'y voir admettre les avocats, dont il connoissoit la rapacité, ni ceux qu'une fortune acquise par leur industrie avoit accoutumés à calculer le produit de leurs capitaux.

On étoit admis sans être noble dans toutes les cours souveraines de France, grand conseil, conseils souverains, cours des aides, chambres des comptes, chambres du trésor, et cours des monnoies.

Voilà, je crois, tous les emploies civils du premier ordre. On voit combien les plaintes du Tiers Etat étoient fondées à cet égard.

Quant aux dignités ecclésiastiques, il est vrai que, depuis la mort de Louis XV. on ne pouvoit pas citer de nomination d'évêque qui ne fut pas né noble. M. de Beauvais, évêque de Sénez,* que son éloquence avoit élevé

* Ce respectable évêque de Sénez, mort depuis du chagrin qu'il a conçu des malheurs de sa patrie, étoit dans la voiture de l'archevêque

élevé à cette dignité, avoit été nommé, peu de jours avant la mort de ce monarque. Sous ce regne, on avoit promû à l'épiſcopat beaucoup d'autres perſonnes qui n'étoient point de l'ordre de la nobleſſe. On peut citer entr'autres M. Gauthier, évêque de Lucon, M, Hachette des Portes, évêque de Glandeve.

Mais, parmi les évêques nommés ſous Louis XVI. pluſieurs appartenoient à des familles très nouvellement annoblies.

Au reſte, il n'avoit jamais exiſté de reglement, qui réſervât les évêchés à la nobleſſe. Mais qu'on cite un pays où les dignités ne ſoient pas le partage de ceux qui ont le plus de crédit.

On comptoit un très grand nombre d'eccléſiaſtiques non nobles parmi les grands

l'archevêque de Paris, lorſqu'il fut aſſailli de pierres à Verſailles, ſous les yeux du roi, en Juin, 1789. L'évêque de Sénez fut bleſſé.

vicaires

vicaires des évêques et les possesseurs des abbayes, et des autres bénéfices et dignités ecclésiastiques.

Quant aux emplois militaires, avant qu'on se fût fait une étude d'armer la vanité des bourgeois contre leurs propres intérêts, et qu'on leur eût appris à quitter les professions qui les faisoient vivre, pour se morfondre et mourir de faim, le mousquet sur l'épaule, sans avoir d'ennemis à combattre, et à se désennuyer en se réunissant au nombre de 4 ou 500 pour tuer plus surement un *aristocrate* paisible.

Avant ce tems, le dévouement de la noblesse ne leur inspiroit point tant de jalousie. Ils n'étoient point excessivement tourmentés du desir de prodiguer les produits de leur industrie aux mêmes sacrifices qui consommoient les revenus de la noblesse et souvent ses fonds.

Malgré

Malgré cela, l'ordonnance même de M. le Maréchal de Ségur, citée par l'anonyme, et faite il y a dix ans, prouveroit ſeule qu'avant cette époque le Tiers Etats n'étoit point exclus des emplois militaires.

Un ordre, qui, depuis tant de ſiecles, ſacrifioit ſes biens et ſon ſang à la défenſe de l'état, avoit droit d'y être appellé de préférence. Cette préférence étoit avantageuſe à l'état, puiſqu'elle lui aſſuroit des défenſeurs toujours prets, toujours zêlés, et inſtruits de pere en fils dans la profeſſion des armes.

Mais, ſi l'ordre de la nobleſſe devoit être préféré, le Tiers Etat ne devoit pas être exclus. L'ordre de la nobleſſe ne l'a jamais penſé; et je dois dire, qu'à l'époque ou parut le reglement de Mr. de Ségur, la nobleſſe le déſapprouva généralement.

Les moyens, qu'on auroit pu prendre pour aſſurer au Tiers Etat une concurrence convenable

venable aux emplois militaires, ſeroient trop longs à diſcuter ici.

Au reſte, la liſte de nos officiers généraux offre une quantité de noms qui ne ſont pas nobles, et nos villes de province étoient remplies de chevaliers de St. Louis qui n'étoient pas gentilſhommes.

Louis XIV. voyant ſa nobleſſe ſe dévouer avec ardeur au métier de la marine, l'avoit excluſivement appellée à ce genre de ſervice. Mais ſon ordonnance n'a jamais été executée à la rigueur même de ſon vivant. Les noms de Dugay-Trouin, et de Jean Bart, devenus officiers généraux de la marine ſous ce regne ſans être gentilſhommes, et le nom de la Bourdonnaye, fils d'un bourgeois de Dinan, en Bretagne, et vainqueur de Madras, ſous Louis XV. ne ſont pas inconnus en Angleterre.

MM. de Bougainville et Thévenard, qui ont été ſucceſſivement miniſtres de la marine

rine depuis la révolution, et qui étoient officiers généraux de mer auparavant, n'étoient point gentilshommes.

M. de la Borde, plus connu en Europe par sa richesse que par ses ayeux, avoit trois fils officiers de marine.

Au surplus, la facilité qu'on avoit en France pour acquérir la noblesse rendoit les plaintes du Tiers Etat bien peu fondées. Une race étoit annoblie lorsque le chef avoit possédé 20 ans une charge de chancellerie, qui coutoit 20,000 livres, (832 livres sterling,) ou qu'il étoit mort revêtu de cette charge. Les charges de conseiller au parlement et de lieutenants-généraux des bailliages royaux conféroient la noblesse aux mêmes conditions. La noblesse s'acqueroit encore dans les places d'échevins *(sheriffs)* de Paris, de Bourdeaux, de Toulouse, de Nantes, d'Angers, &c.

Nombre d'autres charges conféroient la nobleſſe. M. Necker, dans ſon ouvrage ſur l'adminiſtration des finances, compte en France 4000 charges ennobliſſantes.

Les rois de France accordoient gratuitement la nobleſſe à ceux de leurs ſujets qui ſe diſtinguoient. Le gouvernement avoit pris depuis quelques années l'engagement d'accorder annuellement un certain nombre de lettres de nobleſſe à des négocians.

Dans la ſeule ville, où je ſuis né, j'ai vu, depuis que j'exiſte, le mérite de trois avocats couronné par des lettres de nobleſſe. L'un ſe nommoit M. Duparc Poulain, l'autre étoit le reſpectable pere du trop fameux Chapellier, l'autre ſe nomme M. Robinet.

L'anonyme a dit préciſément le contraire d'une vérité connue, lorſqu'il a eu l'impudence d'avancer qu'en France tous les emplois lucratifs étoient remplis par la nobleſſe.

On

On ſait dans toute l'Europe que toute profeſſion lucrative étoit interdite à la nobleſſe Françoiſe par la loi et encore plus par l'opinion. Cet ordre croyoit devoir ſe propoſer pour l'objet des ſacrifices et non des profits. Depuis environ 30 ans la France a été inondée d'écrits, dans leſquels nos prétendus philoſophes faiſoient de ce magnanime ſentiment un ſujet de reproche à la nobleſſe, en l'accuſant de mépriſer les profeſſions qu'elle croyoit devoir s'interdire, comme ſi on pouvoit mépriſer ceux pour qui on ſe ſacrifie, et comme ſi le déſintéreſſement étoit une inſulte à ceux qui recueillent le prix d'une honnête induſtrie.

Je ne nierai pas qu'un très petit nombre d'emplois très ſubalternes de finance ne fut occupé par quelques gentilſhommes ſans fortune, à qui leur pauvreté ſervoit d'excuſe. Mais ils tomboient par là en *dérogeance*, et perdoient toutes les prérogatives de la nobleſſe. C'eſt de cette exception rare que l'anonyme a profité pour avancer que

la nobleſſe occupoit tous les emplois. Voilà une bien diabolique méchanceté.

Je vais maintenant faire quelques réflexions ſur les privileges en matiere d'impôt.

Je ne ſais pas s'il y eut eu un grand inconvénient à ce qu'un ordre, dont les membres contribuoient de leurs biens et de leurs perſonnes à la défenſe de l'état, ne fut pas aſſujetti à d'autres contributions.

Au reſte, la nobleſſe ſupportoit, comme tous les autres ſujets du roi, les impôts établis ſur les conſommations, puiſqu'on les acquittoit en achetant la denrée qui y étoit ſoumiſe.

La nobleſſe étoit ſoumiſe à la capitation comme le Tiers Etat.

Elle étoit impoſée aux vingtiemes comme le Tiers Etat. C'eſt ſur cet impôt qu'un petit

petit nombre de courtiſans, très en faveur, obtenoient des diminutions établies par des arrêts du conſeil d'état du roi. Ces courtiſans favoriſés ſont preſque tous aujourd'hui complices des crimes de la révolution.

Enfin, pour achever ce qui regarde les impôts directs, c'eſt-à-dire, ceux qui portoient ſur les biens ou ſur les perſonnes. Dans les pays où la taille étoit réelle, c'eſt-à-dire, établie ſur les biens roturiers, les nobles poſſeſſeurs de biens roturiers la payoient, et les roturiers poſſeſſeurs de biens nobles en étoient exempts.

Dans les pays où la taille étoit perſonnelle tout roturier devoit y être aſſujetti, et tout noble devoit en être exempt. Mais, comme cet impôt portoit ſur les propriétés et ſur l'induſtrie, les fermiers des nobles y étoient aſſujettis pour leur bénéfice d'exploitation; et, comme ils payoient de moins au propriétaire ce que l'impôt leur enlevoit, il eſt vrai

de

de dire que la nobleſſe payoit la taille de ſes fermiers.

Le clergé ne payoit ni taille, ni vingtiemes, ni capitation. Il s'aſſembloit tous les cinq ans pour fournir ſa contribution de l'état par un don gratuit. Il payoit, en outre, les intérêts d'emprunts très conſidérables, qu'il avoit faits à différentes époques pour ſubvenir aux beſoins de l'état.

Les fonds néceſſaires pour remplir ces objets étoient faits par une impoſition annuelle ſur tous les bénéfices, appellée *les décimes*. Cette impoſition étoit diſtribuée entre les dioceſes par l'aſſemblée du clergé. La répartition entre les bénéficiers ſe faiſoit dans les dioceſes par une commiſſion compoſée de députés des différentes claſſes de bénéficiers et préſidée par l'évêque.

Les bénéficiers étoient partagés en huit claſſes, dont chacun contribuoit d'une portion plus ou moins forte de ſon revenu,

ſuivant

ſuivant que les bénéfices aſſujettiſſoient à plus ou moins de charges. Les poſſeſſeurs de bénéfices ſimples formoient la premiere claſſe, et devoient payer un quart de leur revenu. Les curés les plus pauvres ne payoient gueres qu'un vingtieme.

Au reſte, un très grand nombre de membres du Tiers Etat avoient, en matiere d'impôt, les mêmes exemptions que la nobleſſe, et même de plus grandes. Tous les bourgeois des villes étoient, comme la nobleſſe, exempts de la taille perſonnelle. Auſſi ces bourgeois, qui ont fait retentir des plaintes ſi éclatantes ſur ce ſujet à l'époque de la révolution, n'en avoient-ils jamais hazardé auparavant contre des avantages dont eux-mêmes jouiſſoient ?

Suivant M. Necker, dans ſon diſcours d'ouverture des Etats Généraux, les exemptions pécuniaires du clergé, de la nobleſſe, et *du bourgeois*, formoient une ſomme d'environ 12 millions. Dans ſon livre de l'adminiſtration

tion des finances, ce ministre évalue la somme des contributions des peuples en France à 585 millions. Ainsi, en supprimant ces exemptions, et en manquant de foi au grand nombre de ceux à qui on avoit vendu des charges qui les donnoient, on auroit soulagé les autres d'un peu plus de deux pour cent.* Il y avoit bien là de quoi donner matiere à de pareilles clameurs.

Mais, il faut observer que le même M. Necker à révélé, dans ses observations sur le décret du 19 Juin, 1790, qui a supprimé la noblesse de France, que cet ordre payoit annuellement à l'état 7 millions pour le droit de contrôle, à cause des qualités que ses membres prenoit dans les actes.

Maintenant, en soustrayant des 12 millions ci-dessus, d'une part ces 7 millions, de l'autre les exemptions des bourgeois, je demande ce qui reste au profit de la noblesse et du clergé ?

* Exactement $2\frac{1}{35}$ pour cent.

Après

Après avoir repouſſé les principaux reproches, exceſſivement calomnieux dans leur généralité, que l'anonyme a vomis contre les corps les plus conſidérables de France, je ſuis forcé d'avouer, que, dans la corruption de la cour d'un roi trop indulgent, dans le ſein même d'un clergé reſpectable et d'une magiſtrature integre, il exiſtoit des êtres à qui preſque tous ces reproches conviennent; mais ceux-la, épouvantés de comparoître au tribunal de la nation aſſemblée, ont cru ſe ſauver de la honte par la trahiſon. La haine de leurs devoirs leur a fait abjurer leurs droits, et la crainte du jugement de leurs égaux leur à fait rechercher l'amitié du bourreau. Entrainés dans le crime par la conſcience de leurs vices, leur fureur a redoublé par leurs ſuccès, et ils ſe ſont de plus en plus couverts de boue et de ſang.

Qui oſeroit, par exemple, entreprendre l'apologie de l'évêque d'Autun, qu'il ſuffit de nommer ou de voir pour donner l'idée de

la plus abjecte turpitude et de la plus noire perverſité. Lui, dont le feu Comte de Mirabeau diſoit, *Pour de l'argent il vendroit ſon ame, et il auroit raiſon, car, il troqueroit ſon fumier contre de l'or.**

On peut cependant le diſculper d'avoir acheté l'épiſcopat. Tout le monde ſait que le roi avoit réſolu de ne jamais le nommer évêque, et que cette réſolution céda aux prieres d'un pere eſtimé et mourant, trompé par d'hypocrites promeſſes de réformation.

Quant l'anonyme parle d'abus du crédit, d'inſolence, de débauche, et de baſſe cupidité, on ſe rappelle auſſitôt preſque tous les héros de la révolution; on ſe rappelle les faveurs de la cour accumulées ſur les têtes ingrates des Liancourt, des Noailles, des Lameth. La grande fortune du Marquis de Monteſquiou, acquiſe en grande partie par l'intrigue, perdue dans l'agiotage

* Lettre du Comte de Mirabeau au Comte d'Autraignes du 28 Avril, 1787.

en

en 1787, et réparée par l'agiotage depuis la révolution et ſes inſolentes prétentions généalogiques. On ſe rappelle la vie crapuleuſe du Duc d'Orléans, du Comte de Mirabeau, et leur avidité pour le gain. Les débauches et les baſſeſſes du Marquis de Silléry, les vices infames dont le Marquis de Villette faiſoit gloire. Mais je ne veux pas ſouiller davantage ma plume en prolongeant une pareille liſte.

Lorſque l'anonyme parle de dettes déſhonorantes et mal-payées, lorſqu'il dit que nous venons en Angleterre pour nous ſouſtraire aux pourſuites de nos créanciers, un grand ſeigneur François, plus célebre par ſon zele pour la révolution que par l'auſtérité de ſes mœurs et l'ordre de ſes affaires, M. le Duc de Biron, vient de montrer, par ſon exemple, que les dettes contractées en France peuvent s'exiger à Londres.

Si quelques gentilſhommes François, que le pillage de leurs biens et l'incendie de leurs

habitations ont forcés de fuir leur patrie, se voient, par la privation de leurs revenus, hors d'état de payer leurs dettes, ce seroit pour une ame généreuse un motif de plus pour plaindre leur sort. Mais l'ame de ce vil calomniateur n'est pas faite pour de tels sentimens. Au surplus ce qui est arrivé à M le Duc de Biron n'est arrivé à aucun des François fideles qui sont en Angleterre. D'ailleurs les propriétés des émigrés embrassent une grande partie du territoire de la France. Leurs créanciers, s'ils en ont, peuvent se rassurer sur cette hypothêque: et la vérité est, qu'il est du à la plûpart des émigrés deux ou trois années de leur revenu.

J'avoue qu'après tout ce que j'ai dit cette question revient toujours. Qu'est ce qui à perdu le clergé, la noblesse, et les parlemens, de France? Comment ces corps, s'ils n'opprimoient pas le peuple, ont-ils pu devenir l'objet d'une insurrection générale et de trois années de persécution acharnée.

Pour

Pour traiter à fonds les cauſes de ces grands évenemens, il faudroit ſe livrer à une longue diſcuſſion ſpéculative. Certainement l'appat du partage d'une confiſcation générale, préſenté aux claſſes inférieures par les traitres des premiers ordres, eſt une cauſe bien connue de la révolution. Une autre cauſe étoit dans la vanité des hommes des derniers rangs enyvrés de l'eſpoir d'une domination nouvelle pour eux. Mais, pour développer l'action de ces cauſes et de tant d'autres, il faut en dévoiler une fois pour toutes le moteur caché trop long tems aux yeux de l'Europe qui n'a été frappée que des effets, mais non aux yeux de la France. Il faut le dire, c'eſt le gouvernement de France qui a détruit ce bel empire. C'eſt ce que je vais prouver par quelques détails.

Louis XVI. avoit regné 13 années, et avoit conſtamment montré l'amour de l'ordre et de l'économie, et le deſir de ſe livrer à tous les ſacrifices perſonnels qui pouvoient contribuer au ſoulagement de ſes peuples.

Pendant

Pendant cet intervalle de tems, l'abus des lettres de cachet étoit devenu presque imperceptible, et le plus facheux effet qu'elles ayent eu alors, ça été de sauver Mirabeau de la corde.

La France prospéroit sous un gouvernement doux, et à l'abri d'une quantité de sages institutions, qui prévenoient beaucoup d'abus, et tempéroient l'effet des autres. L'agriculture s'étendoit par des défrichemens multipliés, l'augmentation du revenu des terres attestoit l'accroissement du numéraire en circulation, l'accroissement considérable des principales villes de commerce, telles que Bourdeaux, Nantes, Lyon, Marseille, &c. attestoit l'extension du commerce.

Au commencement de 1787, le mauvais état des finances publiques fut manifesté. Les dépenses excédoient considérablement la récette. Il n'est pas de mon sujet de discuter les causes de ce fameux *déficit*, ni d'exposer

poſer les effets de ſa manifeſtation. Elle fut preſque immédiatement ſuivie de la promotion de l'archevêque de Toulouſe, depuis archevêque de Sens, au miniſtere. Alors ont commencé les malheurs de la France. Ce fut lui, qui, en voulant impoſer des tributs oppreſſifs à un peuple diſpoſé à faire les ſacrifices que la criſe exigeoit, détermina les parlemens à demander les Etats Généraux; et, après en avoir puni le parlement de Paris, qu'il exila tout entier à Troyes, ſe vit forcé de les promettre par l'effet des mauvaiſes meſures qu'il avoit priſes.

Ce fut lui qui fit exiler le Duc d'Orléans, MM. Sabatier et Fréteau, le 19 Novembre, 1787, et non le 11 Mars, 1788, comme le dit l'anonyme, qui ne peut pas même citer exactement un fait vrai.

C'eſt ce même miniſtre qui, le 6 Mai, 1788, fit enlever MM. Goëſlard et d'Eprémênil de leurs ſieges au parlement de Paris,

par

par 900 hommes de troupes, pour les transférer dans des prisons. C'est lui qui, dans une même journée, (le 8 du même mois,) fit chasser par des troupes tous les parlemens du royaume des palais de justice, et transforma pendant près de cinq mois ces sanctuaires des loix en corps de garde pour empêcher les magistrats d'y rentrer. Alors les lettres de cachet reprirent leur empire. Les réclamations, que tant d'excès provoquoient, donnerent lieu à d'innombrables emprisonnemens arbitraires. Des troupes nombreuses furent cantonnées dans les provinces, qui paroissoient les plus sensibles à la perte de leurs magistrats. A Grenoble, le peuple se souleva; les troupes firent feu, et le sang coula.

La noblesse de Bretagne s'assembla; et, à la fin de Juin, elle nomma 12 députés, qui se rendirent à Paris pour faire connoître la vérité au roi. Ils furent mis à la Bastille

le

le 15 Juillet, 1788. Ils y resterent deux mois.*

Que faisoient alors les fiers citoyens de Paris, les vainqueurs de la Bastille? Ils gardoient le silence, et trembloient. La banque d'assurance pour les insurrections n'étoit pas encore ouverte.

Que faisoient nos courtisans devenus depuis si grands patriotes, les Montesquiou, les Noailles, les la Rochefoucault, les Li-

* L'un de ces députés de Bretagne, le Vicomte de Cicé, est frere de ma mere. Deux autres, le Marquis de Montluc et le Marquis de Trémergat, sont mes cousins.

Deux de ces députés ont été emprisonnés de nouveau, par les démocrates, en Août, 1789; savoir, le Marquis de Bédée au château de St. Malo, et le Marquis de Trémergat au château de Nantes. Ils ont été plusieurs fois ménacés de la mort, puis relachés sans jugement. Ils n'étoient accusés d'aucun crime. Leur attachement aux loix de leur patrie sembloit les designer également pour victimes au despotisme ministeriel et aux fureurs populaires. On verra, par les détails ultérieurs que je donnerai sur le ministre qui les persécuta, que les tyrans et les factieux, qui ne pardonnent point aux gens de bien, peuvent s'accorder entr'eux.

ancour, &c. Ils rampoient, il auroit fallu dire la vérité avec courage, ils ne savoient que trahir.

Enfin, l'indignation publique, les réclamations des provinces, l'embarras des finances porté à l'excès, et, surtout, la vérité mise sous les yeux du roi par le zêle courageux de Monseigneur Comte d'Artois,* renverserent

* Je ne puis me dispenser de dire quelques mots de Monseigneur Comte d'Artois, que son attachement aux vrais principes de la monarchie Françoise a rendu l'objet de tant de colomnies.

Je ne le disculperai point d'avoir été jeune et d'avoir aimé le plaisir et la dépense: son cœur généreux seroit le premier à s'indigner d'une telle flatterie. Je dirai seulement relativement à la dépense qu'il est connu par la publication du fameux *livre rouge*, que les sacrifices, faits par le roi pour payer les dettes contractées par le Comte d'Artois, pendant le cours de dix années, ne s'éleve pas à plus de quinze millions (six cens mille livres sterling). Qu'il est notoire d'après l'affaire, très connue, des Sieurs Bastard et Radix de Sainte Foi, en 1780 et 1781, que ce prince a été indignement volé par les administrateurs de ces finances. Il n'est pas moins notoire que l'infame Duc d'Orléans la volé plus indignement encore.

Monseigneur Comte d'Artois commença, en 1788, à faire éclater des vertus qui n'étoient encore connues que dans l'intérieur

renverserent le ministre, le 25 Août, 1788, après 16 mois d'une administration insensée.



rieur de sa maison. Le Marquis de Sérent, l'un des plus loyaux gentilshommes de France, étoit gouverneur de ses enfans. Monsieur de Sérent possédoit une des neuf terres appellées *Baronnies de Bretagne*, qui donnent le droit de présider la noblesse aux états de cette province. Il crut devoir adhérer aux réclamations de ses compatriotes contre les actes arbitraires de l'archevêque de Sens. Ce ministre le fit exiler. Le prince, fidele à l'amitié, comme son ayeul Henri IV. ordonna que ses enfans suivissent leur gouverneur, et dit courageusement au roi, " Sire, votre majesté a " exilé mes enfans : car, je ne dois pas lui dissimuler qu'ils suivront leur gouverneur partout où il ira, et que mon attachement pour eux et pour lui me déterminera moi-même à les " suivre." En effet, le prince alla voir son ami dans son exil.

Ce fut ce prince, qui, comme je l'ai dit, en ne se rébutant point de présenter avec courage au roi la vérité, souvent repoussée avec mécontentement par l'effet des préventions dont ce monarque étoit la proie, délivra le royaume des violences de l'archevêque de Sens.

Ce prince ne cessa depuis de veiller sur les destinées de la France. Il présidoit un des bureaux de l'assemblée de notables convoquée à la fin de 1788. Lorsque le conseil du roi publia ce fameux résultat du 27 Décembre, 1788, qui contenoit tous les germes de l'anarchie actuelle, le Comte d'Artois se mit à la tête des princes du sang royal pour présenter au roi et publier un mémoire, qui avoit pour objet d'éclairer sa majesté sur les suites funestes

Sa disgrace fut un sujet de joye universelle par toute la France. Dans toutes les villes on

nestes des innovations proposées, et de réclamer l'exécution des loix constitutionnelles du royaume. Ce beau mémoire, courageusement opposé à des opinions protégées par le gouvernement, et favorisées par les passions de la multitude, qui déja excitoient une fermentation furieuse, dévoua le Comte d'Artois à la haine des factieux, mais il devint de plus en plus l'espoir des gens de bien.

La noblesse du duché d'Albret, ancien patrimoine de Henri IV. reconnut son sang, et élut son digne rejetton pour son député aux états généraux. Necker lui fit défendre par le roi d'accepter cet honneur.

Au 14 Juillet, lorsque le gouvernement François fut renversé par l'explosion qu'il avoit follement préparée contre les corps intermédiaires, le Comte d'Artois, effrayé du sort qui ménaçoit le roi son frere, mais incapable de craindre pour lui-même, proposa de s'offrir pour victime à la populace furieuse, et d'aller à Paris à la place du roi. Le roi refusa cette offre, et le prince sortit de France. Depuis cette époque, pour prix de son attachement aux loix, il a été dépouillé de tous ses biens; et ses jours précieux, j'ose le dire, pour le repos de l'Europe, ont été ménacés par des conspirations dont le ciel a prévenu l'effet. On connoit, entr'autres, le complôt d'empoisonnement découvert dans les états du roi de Sardaigne.

On connoit les voyages de ce prince à Mantoue, à Vienne, à Pilnitz, et ses travaux infatigables pour procurer des appuis à une

on alluma des feux de joye et des illuminations, et on brula l'effigie du miniſtre. Il s'enfuit à Nice, en Italie.

Mais il partoit, comme Médée, laiſſant la mort dans le ſein de ſes ennemis.

Pour calmer l'excès du mécontentement qui ſe manifeſtoit d'un bout de la France à l'autre, il avoit été forçé, quelques jours a-

une cauſe commune, non ſeulement à tous les rois, mais même à toutes les ſociétés civiliſées. On ſait avec quelle généreuſe ſollicitude il partage avec les amis de l'ordre, dépouillés et bannis par les factieux, les ſeçours qu'il obtient de différens ſouverains touchés de ſes malheurs et de ſon courage.

Voila quelques traits principaux du portrait d'un prince qu'on oſe accuſer de n'aimer et de ne regretter que le deſpotiſme. S'il eut aimé le deſpotiſme, il n'avoit qu'à laiſſer faire l'archevêque de Sens. Il n'eſt point de faveurs dont ce miniſtre n'eut payé un ſi important ſuffrage. S'il eut aimé le deſpotiſme, il eût laiſſé faire Necker, qui ne ſe propoſoit pas d'autre but, et il ne ſe fut pas dévoué, pour la défenſe des loix, à tous les dangers qu'il à bravés, et à tous les maux dont il eſt la victime.

Je n'ai point parlé de Monſieur, qui partage tous les ſentimens de ſon auguſte frere, parcequ'il n'eſt point, comme lui, l'objet de la calomnie.

vant

vant ſa diſgrace, de promettre de hâter la convocation des Etats Généraux, et de déclarer que cette aſſemblée, qui, ſuivant la promeſſe du roi, ne devoit avoir lieu que dans le courant de 1790, ſeroit réunie au commencement de 1789. Mais, redoutant d'avoir à rendre compte de ſes excès devant une pareille aſſemblée, il s'occupa à jetter des ſemences de diviſion entre les trois ordres de l'état. C'eſt ſous ſon miniſtere qu'on à commencé à parler du *doublement* du Tiers, et de la confuſion des ordres aux Etats Généraux. Cette dangereuſe innovation exiſtoit déja dans les aſſemblées provinciales. Mais elles étoient regardées comme des corps purement adminiſtratifs et étrangers à la conſtitution.

C'eſt l'archevêque de Sens qui a introduit cette forme dans les prétendus Etats de Dauphiné, le modele et le germe de l'Aſſemblée Nationale.

L'archevêque

L'archevêque de Sens croyoit qu'une aſſemblée unique, où on délibéroit par tête, n'étant balancée par aucun contrepoids, ſeroit le jouet de ſes intrigues et la proye de la corruption. Il croyoit établir le deſpotiſme ſur les ruines des appuis du trône.

Auſſi les patriotes lui ont-ils pardonné ſes deſpotiques excès en faveur de ſon zèle contre le clergé, la nobleſſe, et les parlemens; et le tyran de 1788 eſt revenu paiſiblement en France depuis la révolution. Il a prêté le ſerment des apoſtats, et eſt devenu le favori des démocrates. Il faut obſerver auſſi que pluſieurs des plus grands patriotes de l'aſſemblée avoient été ſes ſuppôts pendant ſon miniſtere. Pluſieurs ſont connus pour tels, comme Touret, Goupil, Kervélégan, Champeaux, &c. d'autres, qui n'étoient pas connus, craignoient qu'ils ne les dévoilât s'ils l'attaquoient.

Pour prouver à tout le monde la vérité évidente à mes yeux, que l'archevêque de Sens

Sens eſt le premier et le principal auteur de la révolution de France, il faudroit peut-être s'étendre beaucoup davantage, raſſembler et rapprocher une multitude de faits particuliers, qui dévoileroient ſes intrigues ſecretes.

Mais on peut s'épargner cette peine. Au mois de Mars, 1790, il a oſé ſe vanter, au milieu de ſa cathédrale, à la face d'un peuple nombreux, de tout ce que je lui reproche.*

* Voici les termes dont s'eſt ſervi le pape en parlant de ce fait.

*Vix enim cardinalis, exul atque exterris a ſolo patrio, inchoatam creſcentemque vidit Gallicani conventus operâ illius turbati converſionem, quam noviſſime ignorabant omnes per eum ipſum miniſterii ſui tempore deſignatam et paratam fuiſſe, nullâ morâ interpoſitâ ſe contulit ad eccleſiam ſuam cathedralem Senonenſem, ibique menſe Martio anni* 1790. *Veritus minimè eſt ſermonem coram omnibus habere, et novam rerum immutationem pluriimâ laudè cumulare, eo uſque ut eidem condendæ ſe aliis incitamento fuiſſe gloriatus ſit.*

Son

Son successeur Necker fut initié par lui dans ses funestes projets, et n'a fait que les développer et les suivre.

Avant de montrer les progrès de la révolution dans la conduite de ce ministre, je ferai quelques observations sur son caractere.

Les uns, oubliant les principes despotiques consignés dans tous ses ouvrages écrits avant la révolution, ont vu en lui un républicain outré; les autres l'ont regardé comme un scélérat profond, qui vouloit établir en France sa domination sur les ruines du trône même. Les uns et les autres lui font trop d'honneur. Cet homme n'eut jamais que les ignobles talens du comptoir. Appellé par les circonstances à discuter les plus grandes questions de droit public, il a dévoilé sa profonde ignorance sur cette importante matiere. Lisez son résultat du conseil du 27 Décembre, 1788, et tout ce qu'il a publié à l'époque de la révolution et

 depuis;

depuis ; cherchez-y ſon opinion ſur le droit public de la France, vous y verrez *le touchant abandon du Tiers Etat, le bruit ſourd de l'Europe entiere, des idées confuſes d'équité générale, la voix de la ſaine raiſon*, et pas un raiſonnement. Il a montré qu'il manquoit abſolument de vues politiques, en adoptant l'abſurde projet, conçu par ſon prédéceſſeur, d'établir le deſpotiſme, lorſque le vuide du tréſor royal mettoit le roi à la merci de ſes ſujets, et en laiſſant corrompre les troupes, pendant qu'il pourſuivoit un deſſein, dont elles devoient être l'inſtrument néceſſaire. Né ſans courage et ſans vertus, comme il l'a prouvé par ſa ſervile et rampante ſoumiſſion aux ſcélérats qui dominoient dans l'Aſſemblée Nationale, et par ſa fuite dans la forêt de Montmorenci, lorſque les factieux l'épouvanterent par l'émeute qui décida ſa ſortie de France. Voilà l'homme qui a conſommé le ruine de ma patrie. Elle n'a point péri par la griffe d'un tigre, mais par le venin d'un crapaud.

Les

Les poiſons répandus par l'archevêque de Sens fermentoient lentement. Il ſeroit trop long de détailler les différens artifices employés pour en hâter le progrès. Délai à rappeller les parlemens pour prolonger la ſuſpenſion de la juſtice et favoriſer le déſordre, Aſſemblée de Notables convoquée ſous prétexte d'examiner la queſtion, qui n'étoit pas douteuſe, de ſavoir dans quelle forme les Etats Généraux devoient être aſſemblés, mais en effet pour faire flotter l'opinion ſur cet important objet, écrivains incendiaires ſoudoyés à Paris et dans les provinces, &c.

Les premiers troubles éclaterent en Bretagne.

Dans cette province, le Tiers Etat, en apprenant au mois de Juillet, 1788, l'empriſonnement des 12 députés de la nobleſſe, touché du dévouement de cet ordre pour la cauſe commune, avoit voulu le partager. Le Tiers Etat s'étoit aſſemblé dans 8 des 9

dioceſes de Bretagne, et avoit nommé des députés, chargés de ſe joindre aux nouveaux que la nobleſſe envoyoit, pour s'expoſer au même ſort qu'avoient ſubi les premiers, et faire parvenir la vérité au pied du trône. Le clergé avoit agi de même.

Ces deputés ſe rendirent à Paris, et ne furent point empriſonnés, parceque l'archevêque de Sens étoit effrayé de l'indignation qu'avoit excitée la violence dont les premiers étoient la victime.

A la fin de Septembre, ces députés revinrent à Rennes, capitale de la province, annonçant que les 12 premiers étoient ſortis de la Baſtille, que le parlement de Paris étoit rentré le 24 Septembre, et que les autres rentreroient inceſſamment. Ils rentrerent en effet le 8 Octobre.

Le 3 Octobre la ville de Rennes fut illuminée, et l'ordre de la nobleſſe donna une fête et un bal à l'ordre du tiers. L'union

étoit

étoit parfaite alors, et on se félicitoit réciproquement des fruits qu'on en recueuilloit.

Le 20 Octobre, éclaterent les premiers plaintes du Tiers Etat; elles avoient pour objet les privileges en matiere d'impôt. Elles furent portées par le procureur du *roi* à la municipalité de Rennes, et la municipalité les adopta. Les avocats et différentes classes de bourgeois de la ville y adhérerent ensuite.

Ces bourgeois partageoient, pour le plûpart, avec les deux premiers ordres, les exemptions dont ils se plaignoient.

La Bretagne étoit de toutes les provinces de France celle où ces exemptions étoient les moins considerables. Toutes les villes de cette province tinrent bientôt le même langage.

Cependant le reste de la France gardoit le silence. Des plaintes semblables éclaterent bientôt

bientôt en Provence. Mais ces deux provinces en furent, pendant quelque tems, le ſeul théatre.

Voici la raiſon de cette ſingularité. Ces deux provinces avoit une conſtitution, et des états qui s'aſſembloient périodiquement. Elles étoient les ſeules en France dont les députés aux Etats Généraux duſſent, d'après l'ancien uſage, être nommés par leurs états aſſemblés, et non par les aſſemblées de bailliages.

Les états de Bretagne, ſurtout, avoient toujours été l'écueuil du deſpotiſme des miniſtres. On y délibéroit par trois ordres: c'étoit une image vivante de la conſtitution Françoiſe. Une pareille aſſemblée auroit eu trop de force pour combattre les innovations qu'on vouloit introduire. Sa deſtruction fut jurée.

Il falloit, cependant, la convoquer avant la fin de l'année pour renouveller l'accord

des

des impôts de la province, dont le terme expiroit avec l'année. Il n'y avoit donc pas de tems à perdre pour ſuſciter d'avance des troubles, qui puſſent ſeconder les vues du gouvernement.

Les plaintes du Tiers Etat dans les deux provinces annonçoient manifeſtement, par leur peu de fondement, l'intention de chercher querelle. Leur ſubite violence, l'excès inſenſé des demandes qui les accompagnoient et qui tendoient à une entiere ſubverſion, dévoiloient l'intention de rendre toute conciliation impoſſible. Tout portoit l'empreinte viſible d'une conjuration, et l'audace des conjurés annonçoit un chef plus puiſſant que les loix.

Ce chef ſe dévoila encore plus en publiant le réſultat du conſeil du 27 Décembre, 1788, qui accordoit, au Tiers Etat, un nombre de députés égal à celui des députés des deux autres ordres réunis.

Le

Le miniſtre publia avec cet acte ſon rapport au conſeil. Il y flattoit ſi baſſement le Tiers Etat au dépens des deux autres ordres, que les plus mal-intentionnés jugerent que tout leur ſeroit permis.

Au mois de Janvier, 1789, des troubles violens éclaterent en Bretagne et en Provence. Le 27 Janvier la nobleſſe de Bretagne fut attaquée à l'improviſte en plein jour, lorſqu'elle ſe rendoit à l'aſſemblée des états, par une troupe de jeunes bourgeois armés. Deux gentilshommes furent tués et pluſieurs bleſſés. En Provence des évêques furent aſſaillis de pierres et en danger de périr. Des maiſons furent pillées et démolies.

Le reſte de la France étoit toujours tranquille. Le Comte de Thiard, commandant pour le roi en Bretagne, loin d'oppoſer aux troubles aucune meſure de vigueur, n'avoit point de honte de paroître ouvertement les favoriſer, et jouiſſoit des applaudiſſemens

diſſemens donnés publiquement par les factieux à ſon infame conduite. Ce commandant a ſouffert entr'autres que les jeunes bourgeois qui s'armoient fiſſent peindre ſes armoiries ſur leurs drapeaux. J'ai moins de détails ſur la conduite du commandant de Provence, mais je ſais, que, dans ce pays, les déſordres ne furent ni réprimés ni punis.

Les parlemens, inſultés et ménacés eux-mêmes, n'oſoient provoquer de nouvelles violences en faiſant parler les loix. Ils ſupplioient vainement le roi de protéger l'adminiſtration de la juſtice qu'ils rendoient en ſon nom. Le perfide miniſtre les amuſoit d'hypocrites lamentations et de promeſſes menſongeres.

Pendant ce tems, les factieux étoient impunis, et leur audace croiſſoit. Les jeunes bourgeois ſe confédéroient dans toute l'étendue de la Bretagne. Ils faiſoient imprimer des eſpeçes de manifeſtes, qui reſpiroient la

 fureur,

fureur, et où le nom de *Necker* se trouvoit presque toujours placé comme leur cri de guerre. J'ai connoissance que les députés des deux premiers ordres de Bretagne, à qui ce ministre témoignoit, sur ce point, son hypocrite douleur, l'ont sommé inutilement de démentir hautement cette apparente complicité. Il s'applaudissoit d'être le veau d'or de cette rébellion.

Ainsi Necker, en ralliant sous sa funeste banniere les esprits les plus turbulens du royaume, préparoit les maux qui l'ont ravagé; et, en leur assurant l'impunité, il leur donnoit la toute-puissance.

Bientôt la contagion gagna toute la France. Les hommes violens et mal-intentionnés virent partout que leur regne étoit venu. Les talens, les vertus, les longs services rendus au public, ne furent plus comptés pour rien. Les plus fougueux déclamateurs devinrent les idoles de l'opinion, et tous ceux, qui, flétris par elle, n'osoient se montrer, réparurent

réparurent en triomphe. Tel fut entr'autres le fameux Comte de Mirabeau.

Inſtrumens deſtinés à ſervir le deſpotiſme, ils ſentirent déſormais leur force, et ne voulurent plus travailler que pour eux-mêmes. Prévoyant que le gouvernement ouvriroit infailliblement les yeux tôt ou tard ſur leurs projets, et qu'il voudroit alors ſe ſervir des troupes pour ſa défenſe, ils s'attacherent à les corrompre et à armer la jeuneſſe des villes.

Dès lors la révolution étoit faite. C'eſt dans ce que je viens d'expoſer qu'il faut en chercher les véritables cauſes, et non dans la ſeche et obſcure métaphyſique de l'Abbé Sieyes, dans la ſubtilité ſophiſtique de Touret, dans le verbiage furibond de Mirabeau, dans la brutale déraiſon des Lameth, des Menou, et des Roberſpierre, dans les ſaillies bacchiques du Vicomte de Noailles, dans le babil inſipide de Target, dans les plattes extravagances de d'André, dans les gentil-

leſſes Judaïques de l'évêque d'Autun, ni dans le niais enthouſiaſme du ridicule et ſervile Général la Fayette.

Une jeuneſſe corrompue par l'oiſiveté et le ſéjour des villes, élevée avec peu de ſoin, et dépourvue ſurtout de ces principes d'honneur et de cette habitude de ſubordination qui caractériſoient la jeune nobleſſe; cette jeuneſſe, livrée ſans frein à la fougue de l'age et excitée au crime par des hommes profondément corrompus, s'y eſt de plus en plus abandonnée, à meſure qu'elle a pu compter davantage ſur l'impunité et le ſuccès.

Lorſqu'elle a été armée et que les troupes ont été corrompues, toute la force a paſſé dans ſes mains; alors elle a formé alliance avec la ſoldateſque, affranchie du joug de la diſcipline et familiariſée avec le déſordre, avec la plus vile populace qu'il falloit avoir pour complice ou pour ennemie, et avec tous les eſprits corrompus et violens. Ainſi

ſe

ſe ſont formés les clubs des Jacobins, dont la force réunie à celle des milices nationales a tout aſſervi. Alors les peres de famille ont tremblé devant leurs enfans, les négocians devant leurs commis et leurs ouvriers, les propriétaires devant une horde qui ſe faiſoit un jeu de l'incendie et du maſſacre. Voilà les véritables maîtres de la France: voilà ceux, dont les principaux membres de l'Aſſemblée Nationale n'ont jamais été que les courtiſans et les miniſtres: voilà les maîtres, que deſirent les étrangers qui applaudiſſent à la révolution de France, et qui vont pérorer en mauvais François au club des Jacobins, et jouir des applaudiſſemens donnés à leur baragouin par des mains dégoutantes de ſang.

On ne doit pas s'étonner que, ſous l'empire de pareils maîtres, la France ait vu ſon agriculture tomber en langueur, ſon commerce périr, ſon numéraire diſparoître, ſa ſurface et ſes colonies en proie aux pillages, aux incendies, et aux meurtres.

On

On doit s'étonner, ſans doute, de ce qui fait l'admiration des démocrates, tant François qu'étrangers, de ce que d'auſſi violens troubles n'ayent pas fait couler plus de ſang. Mais, en attendant, qu'il exiſte en France un ordre fixe, qui permette de calculer à quel prix il a été acheté, les hommes ſenſibles doivent du moins plaindre la portion conſidérable de la population de la France, que la deſtruction des reſſources de ce beau royaume a déja fait périr ou dévouée à une mort certaine, et ne pas réſerver uniquement leur compaſſion pour les ſcênes tragiques et éclatantes.

J'ai eſſayé de montrer que tous les maux de ma patrie ſont l'ouvrage de l'archevêque de Sens et de M. Necker. Ces deux miniſtres ſe ſont occupés à détruire la conſtitution de la France, au moment ou elle alloit être remiſe en vigueur. Ils y ont réuſſi. Mais ils vouloient établir le deſpotiſme, et c'eſt l'anarchie qui regne.

On

On doit plaindre le monarque qu'ils ont trompé, et qui expie si cruellement leurs crimes et ses erreurs. L'archevêque de Sens abusa de la crise où se trouvoit l'état pour calomnier, aux yeux du roi, le zêle des parlemens, et peignit leur résistance aux mesures oppressives qu'il méditoit comme une opposition aux remedes qu'exigeoient les circonstances. Ce ministre séduisit le roi par de spécieux prétextes d'uniformité dans le gouvernement du royaume, et de réformes utiles dans l'administration de la justice. En lui présentant ces opérations comme nécessaires et urgentes, il lui persuada qu'il suffiroit pour les accomplir de montrer un seul jour l'appareil du pouvoir absolu. Et, de peur qu'il ne fut détrompé, il ferma, avec le plus grand soin, l'accès du trône à la vérité.

Si le systême d'oppression, developpé au mois de Mai, 1788, ne fut pas suivi avec vigueur, et s'il ne produisit pas tous les maux

maux qu'il devoit enfanter, on le doit au caractere perſonnel du monarque, dont le cœur repouſſoit les conſeils inhumains de ſon miniſtre.

Lorſque ce miniſtre changea de ſyſtême, et que l'impuiſſance d'établir le deſpotiſme par la terreur le détermina à chercher à détruire les corps intermédiaires par le moyen du peuple, quand Necker s'appliqua à l'exécution du même ſyſtême, il devint bien plus aiſé de tromper le roi. On entoura ſon trône de plaintes contre une oppreſſion imaginaire, mendiées et payées par le miniſtre, dans toutes les parties du royaume. Le roi, en préparant la perte de ſes plus fideles ſerviteurs et la ſienne propre, croyoit tendre une main ſecourable à des opprimés qui l'imploroient. C'eſt alors qu'il ſe détermina à faire, ſur ſa prérogative, et ſur ſes jouiſſances perſonnelles, les ſacrifices conſidérables qui ſont annoncés dans le réſultat du conſeil du 27 Décembre, 1788, et qui auroient

auroient été effectués par la déclaration du 23 Juin, 1789, si elle eut été acceptée.

Il faut observer qu'avant l'époque de l'ouverture des Etats Généraux le clergé et la noblesse avoient formellement et publiquement annoncé, dans tout le royaume, l'intention de condescendre aux principales démandes du Tiers ; savoir, la suppression des privileges en matiere d'impôt, et la révocation de la prétendue exclusion du Tiers Etat des emplois ecclésiastiques, civils, et militaires. C'est après ces concessions qu'éclata l'insurrection générale qui a produit la révolution.

M. Burke n'a donc rien avancé qui ne fut conforme à la vérité lorsqu'il a dit . . . Que les François *s'étoient révoltés contre un monarque légitime, doué d'un caractere doux . . . Que c'est à des concessions qu'ils ont résisté : que c'est contre la protection qu'ils se sont soulevés, et que leurs coups ont été dirigés contre une main qui leur offroit des graces, des faveurs, et des immunités.*

Ce n'eſt qu'en exaggérant des faits, en en diſſimulant d'autres, et en confondant les époques, que l'anonyme a pu jeter quelques nuages ſur la vérité de cette aſſertion.

Les aſſertions de M. Burke ſur la France ſont celles d'un homme qui a porté, dans les différens ſéjours qu'il y a faits, le coup-d'œil d'un profond philoſophe et d'un politique conſommé. Ses aſſertions ſur les faits relatifs à la révolution ſont preſque toutes appuyées ſur des documens authentiques. Il prouve la démence et les crimes de l'Aſſemblée par ſon procès-verbal même. Il prouve la miſère publique que la révolution a produite par les aveux ſolennels du maire de Paris, et même par les addreſſes de félicitation envoyées des provinces à l'Aſſemblée.

Quant aux faits qu'il a cru pouvoir affirmer ſous ſa ſignature ſans les prouver, je ne fais pas à la nation Angloiſe l'injure de croire que l'opinion qu'elle doit avoir de cet homme de bien ne ſuffiſe pas pour lui en garantir la vérité.

En

En parlant de M. Burke, un gentilhomme François ne se bornera pas à rendre la justice que l'intérêt de notre cause exige à son exactitude sur les faits qui attestent l'innocence des victimes de la révolution et les crimes de ses auteurs. Je parle avec confiance au nom du clergé, de la noblesse, et de la magistrature, de France, lorsque je mets à ses pieds l'hommage solennel de la reconnoissance et de la vénération. Si le ciel ne favorise pas nos efforts pour rétablir l'ordre et la paix dans notre patrie, et si nous devons périr sans avoir accompli ce vœu de nos cœurs, nos derniers momens seront du moins consolés par l'espérance de voir notre honneur parvenir intact à la derniere postérité sous la garde du génie.

En terminant ces longues observations, je ne puis garder le silence sur un discours, attribué à M. Fox, que j'ai lu dans le *Morning Chronicle* du 1er Février. J'ignore avec quel dégré de fidélité les papiers publics rendent

compte des débats parlementaires ; mais je ne puis me persuader qu'un homme aussi célebre que M. Fox, par son éloquence et ses connoissances en politique, ait débité ce qu'on lit au commencement du discours publié sous son nom. Comment se persuader, par exemple, que M. Fox, qui a vu le savoir faire de la populace *du dix-huitieme siecle* lors de l'émeute de Londres en 1780, et quelquefois aux élections de Westminster, s'étonne puérilement de son peu de philosophie ? Mais, pour me fixer à un point important, je demanderai à qui on veut faire accroire que M. Fox se soit laissé aller à la grossiere contradiction de déclarer* qu'il approuve hautement ce qui s'est passé en France, et de déplorer ensuite les évenemens de Birmingham ?

Quoi, M. Fox, en même tems qu'il gémit, avec raison, d'un désordre particulier,

* For himself, and those who, like him, had frankly avowed their approbation of what had passed in France.

arrivé

arrivé dans une ville d'Angleterre, et reprimé et puni à l'instant par la force de la loi, applaudiroit hautement aux pillages, aux incendies, et aux massacres, qui désolent depuis trois ans, avec impunité, la vaste surface de la France? Comment, pourroit-il paroître si ému de la démolition de quelques maisons, et de la perte de quelques instrumens de physique, et contempler, avec une barbare joye, tant de milliers de familles dépouillées de leurs biens et réduites à fuir leur patrie après avoir vu leurs habitations incendiées, les têtes sanglantes des fideles et malheureux gardes du corps, un peuple cannibale dévorant les cadavres de ses victimes,* un frere mourant abreuvé du sang de son frere mort,† les massacres de Nimes et d'Avignon, les désastres de St. Domingue, et les enfans empalés qui servoient d'enseignes aux negres furieux?

* Les cadavres de MM. Berthier et Foulon à Paris, de M. de Belsance à Caen, et de beaucoup d'autres ont servi de pâture à leurs meurtriers.

† Meurtre de MM. de Belud, à Castelnau en Quercy, le 16 Mai, 1791.

Je

Je ne puis croire que M. Fox, qui a donné à la derniere ſeſſion du parlement des preuves ſi marquées de ſa ſenſibilité,* porte un cœur auſſi féroce. C'eſt à lui à nous apprendre ce qui en eſt : mais s'il ſe fut permis de dévoiler ſans feinte d'auſſi odieux ſentimens, il n'eût pas eu la groſſiere maladreſſe d'eſſayer, mais trop tard, de les couvrir du voile d'une inutile et évidente hypocriſie.

Je regarde ce diſcours, qu'on lui attribue, comme une atroce calomnie contre lui. Je la lui dénonce, et je ſoupçonne qu'elle part de la même main que toutes celles que j'ai réfutées ci-deſſus. Je ne ſuppoſe pas qu'il exiſte en Angleterre, ni même dans le monde, deux têtes ainſi organiſées pour allier les plus abſurdes contradictions.

* Le 6 Mai, 1791.

FIN.